Volume 3

STATUTES OF CALIFORNIA

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

Compiled by
GEORGE H. MURPHY
Legislative Counsel

121—L-670

CHAPTER 1691

An act to amend Section 8200 of, and to add Section 8202.15 to, the Elections Code, relating to the state central committee.

[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 8200 of the Elections Code is amended to read:

8200. The new state central committee shall consist of:

(a) All delegates to the state convention.

(b) The chairman of each county central committee of the party.

(c) Members appointed pursuant to this division.

(d) The national committeeman and national committeewoman of the party.

(e) Any person elected to fill a vacancy in the State Legislature in a special election.

SEC. 2. Section 8202.15 is added to said code, to read:

8202.15. Any person who is a member of the state central committee by virtue of having been elected to fill a vacancy in the State Legislature in a special election, shall within 60 days of the special election, appoint additional members to the committee in the same manner as delegates to the state convention make such appointments.

CHAPTER 1692

An act to amend Section 1387 of, and to add Sections 1384.5 and 21753.5 to, the Education Code, relating to school district elections.

[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 1387 of the Education Code is amended to read:

1387. Subject to the provisions of Sections 1115 and 1332 of this code, the ballot used in any school district governing board election shall be subject to the following requirements:

(a) It shall be printed upon paper of number 4 sulfite bond quality, tinted or colored, and of sub 20 weight, or paper of the same or like quality and weight.

(b) All ballots used in school district governing board member elections shall have printed immediately below the perforated line along the top of the ballot, and above any instructions to voters, in capital type at least 12 point in size the

words "Ballot for School District Governing Board Member Election," followed by the name of the district.

(c) It shall comply with the provisions of the Elections Code as to ballot form and details including candidates occupational designation, excepting instructions to voters thereon shall be as provided for in local elections by the Elections Code.

No candidate shall assume a designation which would mislead the voters.

SEC. 2. Section 1384.5 is added to said code, to read:

1384 5. The one tally list for each precinct shall contain sufficient spaces to tally each legal vote on every ballot cast at the polling place for all offices and measures upon the ballot, in ballot order.

SEC. 3. Section 21753.5 is added to said code, to read:

21753.5. The form and details of all ballots at school district bond elections shall comply with ballot provisions of this code applicable to governing board member elections with additional requirements as provided for in this chapter.

CHAPTER 1693

An act to amend Section 69593 of the Government Code, relating to superior 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 69593 of the Government Code is amended to read:

69593. In the County of Sacramento there shall be 12 judges of the superior court. On and after July 1, 1966, there shall be 13 judges.

CHAPTER 1694

An act to add Section 403 to the Code of Civil Procedure, relating to place of trial.

[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 403 is added to the Code of Civil Procedure, to read:

403. The judge of a justice court may order, for the convenience of the court, that any case pending trial in the justice court be transferred to a contiguous justice court district in the same county if all parties to the case and the judge of the

justice court to which the case is proposed to be transferred consent to such transfer.

For the purpose of this section, no fees shall be charged for the transfer of the case.

CHAPTER 1695

An act to add Section 72624 to, and to add Article 1.6 (commencing with Section 72630) to Chapter 9, Title 8 of, the Government Code, and to add Section 203.1 to, and to amend Section 402 of, the Code of Civil Procedure, relating to municipal 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 72624 is added to the Government Code as follows:

72624. By a two-thirds vote of the total number of judges constituting such official body, the body may recommend to the Judicial Council uniform court rules for all the municipal court judicial districts in the County of Los Angeles.

SEC. 2. Article 1.6 is added to Chapter 9, Title 8 of the Government Code, to read:

Article 1.6. Los Angeles Municipal Court Coordinator

72630. The presiding judges of the municipal courts in Los Angeles County shall, by a majority vote of their aggregate number, select, appoint and discharge a court coordinator for the municipal court judicial districts of the county under such organization, rules and procedure as they shall adopt therefor. The presiding judges may prescribe and regulate by majority vote the organization, policies and rules for the conduct of the court coordinator and it shall be his duty to govern himself thereby. For the purpose of voting to select, appoint or discharge the court coordinator or to prescribe and regulate the organization, policies, rules and regulations aforesaid, upon five days written notice, the presiding judges of the municipal courts in judicial districts in Los Angeles County shall meet at a time and place designated by the presiding judge of the municipal court of the judicial district in which is located the county seat. The court coordinator shall receive a salary which shall be established by the board of supervisors, not to exceed the salary of a municipal court judge.

72631. The court coordinator shall make recommendations to the several presiding judges concerning the transfer of municipal court cases from one district to another under Section 402 of the Code of Civil Procedure and shall work in

cooperation with the Judicial Council in arranging for the assignment of judges between districts under Section 1a of Article VI of the Constitution.

72632. "Presiding judge" as used in this article includes the senior judge of a two-judge court and the judge of a one-judge court.

SEC. 3. Section 203.1 is added to the Code of Civil Procedure, to read:

203.1. When authorized by rule adopted pursuant to Section 72624 of the Government Code, a municipal court district located partly or wholly within a superior court district in a county of the first class may, but is not required to, use the same jury panel as that summoned for use in the superior court district and the persons so selected for jury duty in the municipal court need not be residents of the municipal court judicial district.

SEC. 4. Section 402 of said code is amended to read:

402. The presiding judge of a municipal court district may order, for the convenience of the court, that any case pending trial be transferred to a contiguous municipal court district in the same county if:

(a) All parties to the case and presiding judge in the district to which the case is proposed to be transferred consent to such transfer; or

(b) The presiding judge in the district to which the case is proposed to be transferred consents to the transfer and notice thereof is given to the parties or to their attorneys at least 10 days in advance of the date fixed for trial.

No fees shall be charged for the transfer of any case pursuant to this section.

CHAPTER 1696

An act to amend Section 402 of the Code of Civil Procedure and Section 402 of the Code of Civil Procedure as amended by Assembly Bill No. 3208, relating to the place of trial.

[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 402 of the Code of Civil Procedure is amended to read:

402. The presiding judge of a municipal court district may order, for the convenience of the court, that any case pending trial be transferred to a contiguous municipal court district in the same county if the presiding judge in the district to which the case is proposed to be transferred consents to the transfer and notice thereof is given to the parties or their attorneys at least 10 days in advance of the date fixed for trial.

No fees shall be charged for the transfer of any case pursuant to this section.

SEC. 2. Section 402 of the Code of Civil Procedure as amended by Assembly Bill No. 3208 is amended to read:

402. (a) The presiding judge of a municipal court district may order, for the convenience of the court, that any case pending trial be transferred to a contiguous municipal court district in the same county if the presiding judge in the district to which the case is proposed to be transferred consents to the transfer and notice thereof is given to the parties or their attorneys at least 10 days in advance of the date fixed for trial.

(b) The judge of a justice court may order, for the convenience of the court, that any case pending trial in the justice court be transferred to a contiguous justice court district in the same county if the judge of the justice court to which the case is proposed to be transferred consents to the transfer and notice thereof is given to the parties or their attorneys at least 10 days in advance of the date fixed for trial.

No fees shall be charged for the transfer of any case pursuant to this section.

SEC. 3. Section 2 of this act becomes operative only if Assembly Bill No. 3208 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 402 of the Code of Civil Procedure as amended by Section 1 of this act is repealed.

CHAPTER 1697

An act to amend Sections 6201, 6204, 6205, 6207 and 6208 of the Education Code, relating to orientation centers for the adult blind.

[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 6201 of the Education Code is amended to read:

6201. The Department of Rehabilitation may establish orientation centers for the blind in such locations as may be deemed necessary to provide on a statewide basis the services to be rendered by orientation centers as provided in this article. Such orientation centers as may be established shall be under the jurisdiction and supervision of the Department of Rehabilitation, and shall be administered by the Director of Rehabilitation in accordance with the provisions of this article. The department shall make and promulgate such rules and regulations as are necessary for the administration of such orientation centers in accordance with the provisions of this article.

SEC. 2. Section 6204 of said code is amended to read:

6204. Orientation centers shall provide for short periods of intensive personal and prevocational orientation for blind persons, and for specific vocational training. The program of orientation centers shall include such training as techniques of daily living, techniques of travel, physical conditioning, sensory training, instruction in Braille, instruction in skills for the handicapped, typing, and business principles and methods, and shall provide for social and vocational diagnostic testing and individual counseling.

SEC. 3. Section 6205 of said code is amended to read:

6205. For each orientation center for the blind the Director of Rehabilitation shall appoint a director who shall administer and supervise the institutional and educational aspects of the program at the center in accordance with the provisions of this article, and under the supervision of the Director of Rehabilitation. The director of each orientation center for the blind shall be either (1) a visually handicapped person who has been employed for at least five years in the education or rehabilitation of the blind, or (2) a sighted or visually handicapped person who has completed four years of college education and at least three years of successful experience in the rehabilitation of the blind, or (3) a veteran, blinded in war, who has completed a special training course in orientation under the direction of the armed services or the Veterans Administration and 30 semester hours of college work in the fields of education or psychology, or both, or (4) a person with comparable qualifications as determined by the Director of Rehabilitation with the approval of the State Personnel Board.

SEC. 4. Section 6207 of said code is amended to read:

6207. Each orientation center shall be operated as a unit separate and apart from any state-operated workshop for the blind. The program of each orientation center shall be closely coordinated with the services of the Division of Vocational Rehabilitation, with the home teacher and field service program, and with programs for training teachers and other personnel directed toward serving the blind.

SEC. 5. Section 6208 of said code is amended to read:

6208. The department may:

(a) Make rules for the government and direction of orientation centers established under this article, and may prescribe conditions for the admission and discharge of trainees having regard to an equitable representation from each county of the state.

(b) Designate the subjects which shall be regularly taught and the training which shall be given.

CHAPTER 1698

An act to amend Section 29018.5 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 29018.5 of the Education Code is amended to read:

29018.5. The Superintendent of Public Instruction shall appoint a statewide advisory committee consisting of 15 members, of whom 9 shall be the administrative heads of schools or colleges which are operated exclusively under one or more of the following sections: Sections 29007(a)(2), 29007(f), 29007.2, and 29007.5; of whom 3 shall represent schools or colleges operating under the following sections: 29007(a)(1), 29007(b), 29007(c) and 29007(d); and of whom 1 each of the remaining 3 shall represent respectively, labor, management and the general public. The Chief, Bureau of Readjustment Education, shall be an ex officio member of, and serve as secretary and chief executive officer for, the committee. The chiefs of the Division of Labor Law Enforcement and Apprenticeship Standards, or their designate, shall also serve as ex officio members of the committee. Ex officio members shall have no vote.

This committee shall act in an advisory capacity to the Superintendent of Public Instruction in promulgation of rules provided for by Section 29018; the Chief of the Bureau of Readjustment Education, Department of Education, shall advise the committee prior to instituting any action to deny, suspend, or withdraw recognition of courses or schools under the provisions of Sections 29007(a)(2), 29007(f), 29007.2, and 29007.5. The Superintendent of Public Instruction shall take into consideration the committee's recommendations before denying, suspending, or withdrawing recognition of courses or schools under said sections.

This committee shall meet at least twice each year, or upon call by the Superintendent of Public Instruction.

Committee members shall serve for three-year terms, and shall not be eligible to immediately succeed themselves. With respect to the appointment of the first committee, however, 15 members as set forth in the first paragraph of this section shall be appointed with indeterminate terms and, at the first meeting, a drawing by lot shall be held at which 5 members shall be selected to serve for three-year terms, 5 for two-year terms, and 5 for one-year terms.

The Superintendent of Public Instruction may impanel special committees of technically qualified persons to assist the Bureau of Readjustment Education in the development of standards for courses and the evaluation of any course or

school applying for recognition under the provisions of Sections 29007(a)(2), 29007(f), 29007.2, and 29007.5. These special committees shall be empowered to make such inspections and studies as may be necessary to enable them to advise the Bureau of Readjustment Education or the statewide committee in regard to action to be taken in any particular situation. Members of these special committees shall not be connected in any way with a school which may be the subject of inspection or investigation.

The statewide advisory committee members and the special committee members will serve at no expense to the state.

CHAPTER 1699

An act to amend Section 160.15 of the Agricultural Code, relating to pest 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. Section 160.15 of the Agricultural Code is amended to read:

160.15. The provisions of this chapter shall not apply to any person while engaged in any of the following:

(a) Any activity defined as structural pest control and required to be licensed under the provisions of Chapter 14 of Division 3 of the Business and Professions Code.

(b) Preservative treatment of fabrics or structural materials.

(c) Household or industrial sanitation services.

(d) Seed treatment incidental to his regular business.

CHAPTER 1700

An act conveying in trust certain tidelands and submerged lands lying in the natural channel of the San Joaquin River to the City of Stockton in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof, and reserving rights to the state.

[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. There is hereby granted and conveyed in trust to the City of Stockton (hereinafter referred to as the "city") in the County of San Joaquin, State of California, all the

right, title and interest of the State of California (hereinafter referred to as the "state"), except as hereinafter reserved and upon the conditions specified herein, held by said state by virtue of its sovereignty in and to all of the certain tide and submerged lands in the natural channel of the San Joaquin River known as "Buckley Cove", whether filled or unfilled, which are described as follows and referred to hereinafter as "granted lands":

All those certain sovereign lands of the state in Section 36, T. 2 N., R. 5 E., M.D.B. & M., and more particularly described as follows, to wit:

Beginning at the point of intersection of the northerly Stockton Deep Water Channel line with the ordinary high-water line on the right, or northerly, bank of the natural channel of the San Joaquin River on the southwesterly line of Parcel 32 of the Stockton Deep Water Channel project; thence meandering upstream along the said ordinary high-water line to its point of intersection with the said northerly Stockton Deep Water Channel line on the southwesterly line of Parcel 25 of said Stockton Deep Water Channel project; thence northwesterly along the said northerly Stockton Deep Water Channel line to its point of intersection with the ordinary high-water line on the left, or southerly, bank of the said natural channel of the San Joaquin River on the southwesterly line of Parcel 30 of said Stockton Deep Water Channel project near the most southerly corner of said Parcel 30; thence meandering downstream along said ordinary high-water line on said left bank to its point of intersection with the said northerly Stockton Deep Water Channel line on the southwesterly line of said Parcel 30 near the most westerly corner of said Parcel 30; thence northwesterly along the said northerly Stockton Deep Water Channel line to the point of beginning.

Containing 32.32 acres more or less.

SEC. 2. The city shall have and there is hereby granted to it and its authorized agents and lessees the right to make within and upon the granted lands, or within and upon the granted lands in combination with neighboring lands of the city, all improvements, betterments and structures of every kind and character proper, needful, useful, convenient or incidental to and for the development of commerce, navigation and fisheries, including, without limiting the generality of the foregoing, the following:

(a) The establishment, improvement and conduct of a harbor and the construction, reconstruction, repair and maintenance of works and facilities incidental to a harbor;

(b) The construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, beltline railroads and other transportation facilities or betterments incidental to a harbor.

(c) The construction, reconstruction, repair and maintenance of small boat harbors, marinas, aquatic playground and

similar recreational facilities, together with structures and facilities incidental thereto;

(d) The construction, reconstruction, repair and maintenance of wharves, docks, piers, warehouses, and commercial and industrial buildings, plants and facilities.

SEC. 3. No grant, conveyance or transfer of the granted lands or any part thereof shall be made by the city and the city shall continue to hold the granted lands in trust and the whole thereof until the same revert or be receded to the State of California.

The city may, however, lease the granted lands, or any part thereof, and any utilities, structures, improvements or appliances thereon, for periods not to exceed 50 years, or such greater periods as may be permitted by general law, for purposes consistent with the trusts upon which the granted lands are held by the State of California. Any such lease made by the city shall contain, in addition to terms and conditions deemed desirable or necessary by the city, the following provisions:

(a) The lease may be terminated by the city upon violation of any of the provisions of the lease by the lessee; and

(b) Neither the lease nor the leased premises may be assigned, transferred or sublet without the prior written consent of the city.

SEC. 4. The granted lands shall be improved and all improvements, betterments and structures thereon shall be made or erected by the city or its authorized agents or lessees, without expense to the State of California; provided, however, that nothing contained in this act shall preclude the city from accepting and expending any grant of funds from the State of California for the development of the granted lands for any public purpose not inconsistent with the trusts for commerce, navigation and fishery. In the management, conduct, operation and control of the granted lands or any improvements, betterments or structures thereon, the city and its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith. Nothing contained herein shall be deemed to affect the validity or term of any franchise granted by the city under the Franchise Act of 1937, and any such franchise shall be effective with respect to said lands.

This grant is made upon the express condition that within 10 years from the effective date of this act the granted lands shall be substantially improved by the city without expense to the state and that if the State Lands Commission determines that the city has failed to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and all said right, title and interest in the granted lands shall revert and rest in the state.

SEC. 5. Except as provided in Section 7 hereof, the city shall have the right hereunder to all rents, revenues, issues and profits in any manner hereafter arising from the granted

lands or any improvements, betterments or structures thereon, and the city may use such rents, revenues, issues and profits for any purpose or use set forth in Section 2 hereof, including the payment, refunding or discharge of any indebtedness incurred or sustained by the city in connection with any such purpose or use. The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures of all such rents, revenues, issues and profits.

SEC. 6. There is hereby reserved to the people of the State of California the right to fish in the waters upon the granted lands with the right of convenient access to said waters over the granted lands for said purpose.

SEC. 7. There is hereby excepted and reserved to the State of California the following:

(a) All deposits of minerals, including oil and gas in said land, together with the right of the State of California or persons authorized by the State of California to prospect for, mine and remove such deposits from the granted lands;

(b) The right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the granted lands for any vessel or other watercraft or railroad owned or operated by the State of California;

(c) The right at any time in the future to use the granted lands or any portion thereof for highway purposes without compensation to the city, its successors, or any person, firm or public corporation claiming under it, except as to improvements, betterments or structures made or erected within or upon the portions of the granted lands so used by the state for which compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures so used or the damages to such interest.

SEC. 8. In the event of a violation of any of the provisions of this act, the granted lands and the whole thereof shall revert to the State of California.

SEC. 9. The State Lands Commission shall, at the expense of the city, survey and monument the granted lands, prepare a description and plat thereof and record such description and plat in the office of the County Recorder of San Joaquin County.

SEC. 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 11. In the event that net subject land revenues exceed costs associated with all the operations of the subject lands, such net revenues shall be divided between the trustee

and the state so as to give the trustee 15 percent of the net revenues and the state 85 percent of the net revenues.

CHAPTER 1701

An act to amend Section 8701 of, the Government Code, relating to Commission of the Californias, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The $10,000 appropriation in Section 2 of Senate Bill No. 731 must be deleted. This amount has been included in the 1965 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 8701 of the Government Code is amended to read:

8701. The commission consists of 17 members, seven of whom shall be appointed by the Governor. The Governor shall select the members to serve as chairman of the commission.

Five Members of the Senate shall be appointed by the Senate Committee on Rules to membership on the commission and five Members of the Assembly shall be appointed by the Speaker of the Assembly to membership on the commission. The members so appointed shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. For the purposes of this chapter, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter.

SEC. 2. In addition to the funds appropriated by Section 2 of Chapter 139 of the Statutes of the 1964 First Extraordinary Session of the Legislature, the sum of ten thousand dollars ($10,000) is hereby appropriated from the General Fund to the commission to be used in carrying out the purposes set forth in Chapter 8, of Division 1, Title 2 of the Government 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:

In order to prevent the commission from going out of existence, it is necessary that this act take effect immediately.

CHAPTER 1702

An act to amend Sections 5823.5, 5825, 5828, 5829.1 and 5865 of the Public Resources Code, relating to small craft harbors.

[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 5823.5 of the Public Resources Code is amended to read:

5823.5. The division may prepare or contract for the preparation of plans for, acquire or contract for the acquisition of, construct or contract for the construction of, develop and improve or contract for the development and improvement of, any portion of coastal small craft harbors which normally are nonrevenue producing, such as jetties, breakwaters, dredging, seawalls, piers, and communication centers

This program shall be conducted in cooperation with the federal government for harbor development along the coastline of California. In such cooperative projects, the division may assume the role of "local sponsor" as that term is used in agreements with the federal government with regard to those projects referred to in this section, providing that before the division may assume the role of "local sponsor" it shall determine to its satisfaction that the local entity which would otherwise be designated as local sponsor cannot fulfill the obligations commensurate with that designation.

If the nonrevenue producing facilities are to be a portion of an existing harbor, the division, prior to construction thereof, shall enter into an agreement with the local governing body of the harbor which provides that revenues from harbor operations and harbor district taxes, if any, shall serve as security for repayment of the state contribution to the cost of construction and the local governing body shall assume responsibility for the operation and maintenance of the facilities constructed under the agreement. If, however, unencumbered income to the harbor is insufficient to repay construction costs, such repayment shall be deferred until the division determines that such income is sufficient to initiate repayment thereof.

If nonrevenue producing facilities are to be constructed at a location where no harbor operation is being conducted by any governmental entity, the division may initiate construction of such facilities after securing an agreement with the appropriate local jurisdiction that the local entity shall assume the responsibility of operation and maintenance thereof and repayment of all costs of the division related thereto. Repayment of costs shall commence when it has been determined by the division that revenues attributable to such harbor operations are sufficient for the local entity to assume such responsibilities.

Prior to the date so determined by the division, the division may reimburse the local governing body annually for any deficiency of revenues to the harbor as determined by the division to meet the costs of operation and maintenance of the project.

Harbor facilities provided by the division pursuant to this section shall be defined as nonrevenue producing features for the purpose of the term of repayment under subdivision (g) of Section 5829.1.

SEC. 2. Section 5825 of said code is amended to read:

5825. The division may contract with any federal agency, any state agency, or a city, county, or district, in the planning, construction, development and improvement of small craft harbors pursuant to this chapter, or for the maintenance and operation of any small craft harbors under the jurisdiction of the division.

SEC. 3. Section 5828 of said code is amended to read:

5828. A transfer pursuant to Section 5823 or a loan pursuant to Section 5827 shall not be made to a city, county, or district if it would provide for an indebtedness or liability contrary to the provisions of Section 18 of Article XI of the Constitution unless, at an election called by the governing body of the city, county, or district two-thirds of the qualified electors thereof voting thereat have authorized the governing body to accept, expend, and repay the amount of the indebtedness or liability under this chapter; nor shall such transfer or loan be made if written protest thereto signed by owners of one-half or more of the assessed valuation of taxable property in said city, county, or district is received by the governing body of such city, county, or district. Such election shall be held in accordance with provisions of law for the incurring of bonded indebtedness by the city, county, or district, as near as the same may be applicable. Except as may be prohibited by this section, a transfer pursuant to Section 5823 or a loan pursuant to Section 5827 may be made to a city, county, or district and it may accept such a transfer or loan, notwithstanding any other provision of law limiting or prohibiting the creation of any indebtedness on the part of the city, county, or district.

A transfer pursuant to Section 5823 or a loan pursuant to Section 5827 may be made to a city, county, or district without an election if the transfer or loan agreement provides that payments shall be made from the gross revenues of a small craft harbor, and that such gross revenues shall constitute security for such payments. Gross revenues of a small craft harbor include all charges received from, and all other income and receipts derived by the city, county, or district from, the operation of a small craft harbor.

Gross revenues include any income received by such governmental entity from any concession or other contract operations had by the entity on its harbor facilities, but does not include gross revenues to a concessioner.

SEC. 4. 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 with regard to the revenue-producing features, as determined by the commission, constructed under the loan over a period not to exceed 30 years.

(g) Repay loans with regard to the nonrevenue-producing features, as determined by the commission, constructed under the loan over a period not to exceed 50 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 and agreements shall not be effective until approved by the Department of Parks and Recreation, the Department of Finance and the Department of General Services as to the legality, form and completeness thereof.

In the event of default the state shall proceed forthwith by means of legal action to recover such defaulted loans.

SEC. 5. Section 5865 of said code is amended to read:

5865. The commission may grant funds to a county, city, or district for the construction and development of small craft launching facilities and shall establish general policies for determining those projects for launching facilities which will be selected for grants of Small Craft Harbor Revolving Fund moneys on the basis of which facilities will serve the public recreational boating needs.

This program is to build launching facilities in areas not normally considered by other state agencies as suitable to provide for conservation, propagation, and utilization of the fish and game resources of the state.

SEC. 6. 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 with regard to the revenue-producing features, as determined by the commission, constructed under the loan over a period not to exceed 30 years.

(g) Repay loans with regard to the nonrevenue-producing features, as determined by the commission, constructed under the loan over a period not to exceed 50 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 and agreements shall not be effective until approved by the Department of Parks and Recreation, the Department of Finance and the Department of General Services as to the legality, form and completeness thereof.

In the event of default the state shall proceed forthwith by means of legal action to recover such defaulted loans.

SEC. 7. Section 6 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 5829.1 of the Public Resources Code as amended by Section 4 of this act is repealed.

CHAPTER 1703

An act to add Section 5006.25 to the Public Resources Code, relating to the conveyance of land to the County of Santa Cruz.

[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 5006.25 is added to the Public Resources Code, to read:

5006.25. The Director of Parks and Recreation is authorized to convey and grant to the County of Santa Cruz, for a site for a dam and reservoir in Aptos Creek, that portion hereinafter described of those properties known as Aptos Forest, Santa Cruz County, more particularly described in that deed from Agnes K. Marks, et al., to the State of California recorded November 14, 1963 in Book 1579, page 60, Official Records of Santa Cruz County and those properties known as Timothy-Hopkins, Santa Cruz County, more particularly described in that deed from Agnes K. Marks, et al., to the State of California recorded November 14, 1963 in Book 1579, page 35, Official Records of Santa Cruz County, upon such terms and conditions he may determine are in the best interest of the state; provided, however, that there be no restriction at the time of such conveyance and grant that the properties described herein known as Aptos Forest and Timothy-Hopkins,

or any part thereof, which will cause a reversion of such properties to the former owners or heirs.

The property authorized to be conveyed or granted is described as follows:

Beginning at the intersection of the Mt. Diablo Meridian and the Southerly line of Township 10 South as shown on the United States Geological Survey Map (USGS) entitled "Laurel, California, 1955"; thence from the said point of beginning South 46° 00′ East 1050 feet; thence North 2° 30′ East 4100 feet; thence North 35° 30′ West 780 feet; thence North 89° 15′ East 630 feet; thence North 24° 00′ East 3530 feet; thence North 5° 00′ West 800 feet; thence North 85° 00′ East 130 feet; thence South 24° 45′ East 970 feet; thence North 79° 00′ East 1540 feet; thence South 11° 00′ East 400 feet; thence South 73° 00′ West 1320 feet; thence South 23° 30′ West 2750 feet; thence South 86° 00′ East 500 feet; thence South 31° 45′ West 1175 feet; thence South 57° 00′ East 420 feet; thence South 33° 15′ West 920 feet; thence South 38° 15′ East 770 feet; thence South 36° 15′ West 900 feet; thence South 14° 45′ East 1340 feet; thence South 85° 15′ East 490 feet; thence South 35° 00′ West 1610 feet to a point on the Southerly Grant Boundary as shown on said map; thence along said Grant Boundary North 72° 00′ West 1600 feet thence leaving said Grant Boundary North 31° 00′ West 1620 feet; thence North 64° 00′ East 380 feet; thence South 46° 00′ East 270 feet to the point of beginning containing approximately 306 acres of land.

CHAPTER 1704

An act to amend Section 72300 of the Government Code, and to amend Section 40502 of the Vehicle Code, relating to court sessions.

[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 72300 of the Government Code is amended to read:

72300. In a district or city and county in which the municipal court is composed of three or more judges, one department of the court may remain open and in session for the transaction of any business which may come before the department in the exercise of the criminal jurisdiction of the court, or a judge of the court, at such hours of the day or night, or both, as the judges of the court prescribe; except in a county with a population of 2,000,000 or more as determined by the Department of Finance as of July 1964, and in any other county adjoining such a county with a population

of 1,000,000 or more as determined by the Department of Finance as of July 1964, one department of the municipal court in each municipal court district composed of four or more judges shall remain open and in session at least one night a week during such hours as the judges of the court shall prescribe for the purpose of conducting arraignments, receiving pleas, and setting trial dates in traffic offenses. The clerk of the court, or at least one deputy clerk, shall be in attendance to accept bail for traffic offenses in a department that is open at night. The judges of the court may appoint a commissioner for the purposes of conducting arraignment proceedings, receiving pleas, and setting trial dates and the commissioner shall have the same powers as the judge in conducting arraignments, receiving pleas, and setting trial dates in traffic offenses. Section 134 of the Code of Civil Procedure, requiring that no court other than the Supreme Court shall be open for the transaction of judicial business on a holiday, other than a special holiday, does not apply to such municipal courts while exercising their jurisdiction pursuant to this section.

SEC. 2. Section 40502 of the Vehicle Code is amended to read:

40502. The place specified in the notice to appear shall be either:

(a) Before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(b) Upon demand of the person arrested, before a municipal court judge or other magistrate having jurisdiction of the offense at the county seat of the county in which the offense is alleged to have been committed or before a magistrate in the judicial district in which the offense is alleged to have been committed.

(c) Before a person authorized to receive a deposit of bail. The clerk and deputy clerks of the municipal and justice courts are persons authorized to receive bail in accordance with a schedule of bail approved by the judges of said courts.

(d) Before the juvenile court, a juvenile court referee, or a juvenile traffic hearing officer within the county in which the offense charged is alleged to have been committed, if the person arrested appears to be under the age of 18 years. The juvenile court shall by order designate the proper person before whom such appearance is to be made.

If the place specified in the notice to appear is within a district or city and county where a department of the municipal court is to hold a night session within a period of not more than 10 days after the arrest, the notice to appear shall contain, in addition to the above, a statement notifying the person arrested that he may appear before such a night session of the court.

CHAPTER 1705

An act to amend Section 72300 of the Government Code, and to amend Section 40502 of, and to add Section 42006 to, the Vehicle Code, relating to sessions of municipal 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 72300 of the Government Code is amended to read:

72300. In a district or city and county in which the municipal court is composed of three or more judges, one department of the court may remain open and in session for the transaction of any business which may come before the department in the exercise of the criminal jurisdiction of the court or a judge of the court, at such hours of the day or night, or both, as the judges of the court prescribe; except in a county with a population of 2,000,000 or more as determined by the Department of Finance as of July 1964, and in any other county adjoining such a county with a population of 1,000,000 or more as determined by the Department of Finance as of July 1964, one department of the municipal court in each municipal court district composed of four or more judges shall remain open and in session at least one night a week during such hours as the judges of the court shall prescribe for the purpose of conducting arraignments, the taking of pleas, and the setting of cases for trial in traffic offenses. The clerk of the court, or at least one deputy clerk, shall be in attendance to accept bail for traffic offenses in a department that is open at night. The judges of the court may appoint a commissioner for the purposes of conducting arraignment proceedings, the taking of pleas, and the setting of cases for trial and the commissioner shall have the same powers as the judge in conducting arraignments, the taking of pleas, and the setting of cases for trial in traffic offenses. Section 134 of the Code of Civil Procedure, requiring that no court other than the Supreme Court shall be open for the transaction of judicial business on a holiday, other than a special holiday, does not apply to such municipal courts while exercising their jurisdiction pursuant to this section.

SEC. 2. Section 40502 of the Vehicle Code is amended to read:

40502. The place specified in the notice to appear shall be either:

(a) Before a magistrate within the county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the arrest is made.

(b) Upon demand of the person arrested, before a municipal court judge or other magistrate having jurisdiction of the

offense at the county seat of the county in which the offense is alleged to have been committed or before a magistrate in the judicial district in which the offense is alleged to have been committed.

(c) Before a person authorized to receive a deposit of bail. The clerk and deputy clerks of the municipal and justice courts are persons authorized to receive bail in accordance with a schedule of bail approved by the judges of said courts.

(d) Before the juvenile court, a juvenile court referee, or a juvenile traffic hearing officer within the county in which the offense charged is alleged to have been committed, if the person arrested appears to be under the age of 18 years. The juvenile court shall by order designate the proper person before whom such appearance is to be made.

If the place specified in the notice to appear is within a district or city and county where a department of the municipal court is to hold a night session within a period of not more than 10 days after the arrest, the notice to appear shall contain, in addition to the above, a statement notifying the person arrested that he may appear before such a night session of the court.

SEC. 3. Section 42006 is added to said code, to read:

42006. On and after the effective date of this section, there shall be levied a special assessment in an amount equal to fifty cents ($0.50) for every twenty dollars ($20), or fraction thereof, of every fine, penalty and forfeiture, imposed and collected by a municipal court conducting a night session of the court pursuant to Section 72300 of the Government Code, for violations of the Vehicle Code or any local ordinance relating to the operation of a vehicle, other than parking. When a fine is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

When a person makes a deposit of bail for an offense to which this section applies, in a case in which he is required to appear in a court conducting a night session pursuant to Section 72300 of the Government Code, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury for disposition as prescribed by the ensuing provisions of this section.

After a determination by the court of the amount of the assessment due, the clerk of the court shall collect the same and transmit it to the county treasury to be deposited in the municipal court night session fund, which fund may be expended by the county for maintaining municipal courts in the county which have night sessions for traffic offenses pursuant to Section 72300 of the Government Code.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied,

the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

CHAPTER 1706

An act to add Section 647b to the Penal Code, relating to 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 647b is added to the Penal Code, to read:

647b. Every person who loiters about any school in which adults are in attendance at courses established pursuant to Article 12 (commencing with Section 6351) of Chapter 6 of Division 6 of the Education Code and who annoys or molests any person in attendance therein shall be punished 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.

SEC. 2. Section 647b is added to said code, to read:

647b. Every person who loiters about any school in which adults are in attendance at courses established pursuant to Chapter 5.5 (commencing with Section 5701) of Division 6 of the Education Code, and who annoys or molests any person in attendance therein shall be punished 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.

SEC. 3. Section 2 of this act shall become operative only if Chapter 5.5 (commencing with Section 5701) of Division 6 of the Education Code as proposed by Senate Bill No. 740 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 740 takes effect; at which time Section 647b of the Penal Code as added by Section 1 of this act is repealed.

CHAPTER 1707

An act to amend Section 987a of the Penal Code, relating to counsel for defendants in criminal cases.

[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 987a of the Penal Code is amended to read:

987a. In any case in which counsel is assigned in the superior court to defend a person, including a person who is a minor, who is charged therein with the commission of a crime, or is assigned in a municipal or justice court, to represent such a person in such a court and who desires but who is unable to employ counsel, such counsel, in a county, or city and county, in which there is no public defender, or in a case in which the court finds that because of conflict of interest or other reasons the public defender has properly refused to represent the person accused, shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court in accordance with this section, to be paid out of the general fund of the county.

The board of supervisors may by contract provide that any public defender duly appointed or elected may charge reasonable fees to the Department of Corrections for representing inmates of prisons under its control, and the Department of Corrections may upon approval by the court pay such fees into the county treasury to be placed in the general fund of the county.

Counsel shall be appointed to represent, in the municipal or justice court, a person who desires but is unable to employ counsel, when it appears that such appointment is necessary to provide an adequate and effective defense for defendant.

CHAPTER 1708

An act to amend Sections 15302 and 15303 of, and to add Section 15466 to, the Education Code, relating to 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 15302 of the Education Code is amended to read:

15302. The Department of Education shall:

(a) Advise with the governing board of each school district on the acquisition of new school sites, and after a review of

available plots give the governing board of the district in writing a list of the approved locations in the order of their merit considering especially the matters of educational merit, reduction of traffic hazards, and conformity to the organized regional plans as presented in the master plan of the planning commission having jurisdiction and charge the governing board of the school district a fee of twenty-five dollars ($25) for each 10 acres or fraction thereof of school site reviewed.

(b) Establish standards for school buildings.

(c) Review all plans and specifications for buildings in every district required to submit plans and specifications therefor to it for approval. The department may, upon the request of the governing board of any other district, review plans and specifications for buildings in such district.

The department shall charge governing boards of school districts for the review of plans and specifications, a fee of one-twentieth of 1 percent of the estimated cost determined by the Division of Architecture. The minimum fee in any case shall be ten dollars ($10).

(d) Approve plans and specifications submitted by governing boards of school districts, and return without approval and with recommendation for changes, any plans not conforming to established standards.

(e) Make all necessary provisions by which governing boards of school districts, or architects engaged by them, may procure by purchase or otherwise, copies of standard specifications, plans, and building codes prepared by the department.

(f) Make, upon the request of the governing board of any school district, except a city board of education, a survey of the building needs of the district, advise the governing board concerning the building needs, suggest plans for financing a building program to meet the needs, and collect the cost of the survey, exclusive of the salaries of the state employees participating therein, from the district.

(g) Employ experts, and clerical, and stenographic assistants as may be required for expediting the checking and approving of plans and specifications.

SEC. 2. Section 15303 of said code is amended to read:

15303. All money collected by the Department of Education under the provisions of this article (commencing at Section 15301) shall be available for the use of the department pursuant to appropriations for such use as may from time to time be made by the Legislature.

SEC. 3. Section 15466 is added to said code, to read:

15466. Any public school building which has been approved by the Department of General Services (formerly Division of Architecture) for occupancy shall be deemed to meet the local building requirements for use as a private school.

CHAPTER 1709

An act authorizing the leasing of certain surplus state 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. The Director of General Services is hereby authorized to lease to the East Bay Regional Park District for periods not exceeding 10 years each the 79.6 acres of surplus state land adjacent to the California School for the Deaf and the California School for the Blind, in Berkeley.

The lease of the land to the district shall require that the district use, make those improvements necessary and maintain the land for park purposes of general statewide interest and concern, including, but not limited to park purposes of benefit to the California School for the Deaf and to the California School for the Blind in Berkeley, and shall provide that, if the district ceases to use the land for such park purposes, the land shall automatically revert to the state.

CHAPTER 1710

An act to amend Section 164 of the Civil Code, relating to property of married persons.

[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 164 of the Civil Code is amended to read:

164. All other real property situated in this state and all other personal property wherever situated acquired during the marriage by a married person while domiciled in this state is community property; but whenever any real or personal property, or any interest therein or encumbrance thereon, is acquired by a married woman by an instrument in writing, the presumption is that the same is her separate property, and if acquired by such married woman and any other person the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument; except, that when any of such property is acquired by husband and wife by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife and that when a single family residence of a husband

and wife is acquired by them during marriage as joint tenants, for the purpose of the division of such property upon divorce or separate maintenance only, the presumption is that such single family residence is the community property of said husband and wife. The presumptions in this section mentioned are conclusive in favor of any person dealing in good faith and for a valuable consideration with such married woman or her legal representatives or successors in interest, and regardless of any change in her marital status after acquisition of said property.

In cases where a married woman has conveyed, or shall hereafter convey, real property which she acquired prior to May 19, 1889, the husband, or his heirs or assigns, of such married woman, shall be barred from commencing or maintaining any action to show that said real property was community property, or to recover said real property from and after one year from the filing for record in the recorder's office of such conveyances, respectively.

As used in this section, personal property does not include and real property does include leasehold interests in real property.

CHAPTER 1711

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 public service in counties.

[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 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	$613
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	613
Deputy marshal	415	436	458	481	505
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 1712

An act to add Section 7700.1 to the Education Code, relating to courses of study in 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 7700.1 is added to the Education Code, to read:

7700 1. Instruction in public speaking pursuant to subdivision (a) of Section 7700 shall be provided for each pupil either as part of the English instruction or in special classes in public speaking. A semester course in speech may be substituted in grades 10, 11, or 12 for a half year of the English instruction required by Section 7700.

CHAPTER 1713

An act to add Section 653 to the Insurance Code, relating to automobile liability 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 653 is added to the Insurance Code, to read:

653. Whenever an insurer gives notice of cancellation of an automobile liability policy, upon request of the driver as defined in paragraphs (1) and (2) of subdivision (b) of Section 12804 of the Vehicle Code, the insurer, within 15 days of receipt of the request, shall furnish to the insured a statement setting forth the ground or grounds upon which the notice of cancellation is based. There shall be no liability on the part of, and no cause of action shall arise against, any insurer or authorized representative, or its licensed investigative sources, for any statements made by them in a written notice required to be given pursuant to this section. If the insurer fails to comply with the provisions of this section, the insured may apply to the commissioner for a certificate of the facts or information desired. Any such request shall be made in accordance with Article 3 (commencing with Section 12950) of Chapter 2 of Division 3 of this code and the commissioner shall exercise any power conferred upon him by that article as may be necessary to ensure compliance with this section.

CHAPTER 1714

An act to amend Sections 1727 and 1728 of the Insurance Code, relating to records to be kept by insurance agents and brokers.

[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 1727 of the Insurance Code is amended to read:

1727. Every insurance agent or broker shall keep complete records of all insurance transacted by him, including, where applicable, the following with respect to each transaction:

(a) Name of insurer,

(b) Policy number,

(c) Name of insured,

(d) Effective and termination dates of coverage,

(e) Amount of gross premium,

(f) Amount of net premium and commission,

(g) Names of persons to whom commissions are paid or promised,

(h) Date of licensee's collection of premium from insured,

(i) Date of payment by licensee of premium to the insurer or return premium to insured,

(j) Same information described in (e), (f), (g), (h), and (i), above, in the case of return or additional premium, when handled through licensee,

(k) Identity of licensee (solicitor or person named to transact on an organization license) who handled the transaction, or part thereof,

(*l*) Memorandum or notes of conversations recording all binders, whether written or oral, showing, where customary: name of insured and insurer, nature of coverage, effective and termination dates and premium for binder or policy to be issued,

(m) Copy of application for insurance, and

(n) Correspondence received and copies of correspondence sent.

Such records shall be kept in an orderly manner so that the information therein is readily available and shall be open to inspection or examination of the commissioner at all times and the commissioner may at any time require such licensee to furnish him any information kept or required to be kept in such records.

The commissioner may not prescribe the form or manner of keeping such records but the same shall meet the standards set forth above.

All records required to be kept by this section may be destroyed after retention for a period of five years after the expiration date of the policy to which the records pertain, except

that the items described in subdivisions (*l*), (m), and (n) need be kept only a reasonable time and never more than 18 months.

SEC. 2. Section 1728 of said code is amended to read:

1728. Every resident insurance agent or broker shall maintain a principal office in this state for the transaction of business. The address of such office shall, pursuant to Section 1658, be specified on all applications for license and renewal applications. The records referred to in Section 1727 shall be kept at such address, except with respect to any business transacted on a direct billing basis.

With respect to such business the licensee need keep only:

(1) A policy record card or sheet,

(2) Copies of premium payment receipts or other memoranda thereof for premiums collected by the licensee,

(3) Copy of application for policy,

(4) Copies of licensee's remittance reports,

(5) Statements of the licensee's production,

(6) Copy of any cancellation notice, or letter of cancellation notice, or letter of cancellation for cause, and

(7) Copies of any memoranda of additional or return premium received by him.

Such licensee shall maintain the same in an orderly manner for the time prescribed in Section 1727 and such maintenance shall be deemed compliance with Section 1727 except for items (g), (k), (*l*), and (n).

Provided further, that if the licensee is bound by contract to exclusively represent only one insurer, (or one insurer and its subsidiaries or affiliates), he shall subsequent to termination of such contract be required to maintain, for the prescribed period, only such records as such contract permitted him to retain upon termination, in which event the insurer shall assume the responsibility of maintaining within this state any other records previously required to be kept by the licensee, in accordance with the time limitation set forth in Section 1727.

Any record that is required to be kept by the licensee as provided above shall be maintained in the State of California by the insurer and shall be indexed in such a manner as to be readily available to the commissioner as pertaining to the particular licensee.

CHAPTER 1715

An act to amend Sections 1800, 4150, 4152, 4453, and 6700 of, and to repeal Section 5007 of, the Vehicle Code, relating to registration of 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 1800 of the Vehicle Code is amended to read:

1800. The department shall file each application received for the registration of a vehicle and shall keep a record of each vehicle registered in suitable books, index cards, or electronic recording and storage media as follows:

(a) Under a distinctive registration number assigned to the vehicle.

(b) Alphabetically, under the name of the owner.

(c) Under the motor or a permanent identifying number of the vehicle as may be determined by the department.

(d) In the discretion of the department, in any other manner it may deem desirable.

SEC. 2. Section 4150 of said code is amended to read:

4150. Application for the original registration of a vehicle of a type required to be registered under this code shall be made by the owner to the department upon the appropriate form furnished by it and shall contain:

(a) The true full name and business or residence address of the owner, and of the legal owner, if any.

(b) The name of the county in which the owner resides.

(c) A description of the vehicle, including the following data insofar as it may exist:

The make, model, and type of body.

The number of cylinders.

The motor number or any other identifying number of the vehicle as may be required by the department.

The date first sold by a manufacturer or dealer to a consumer.

(d) Such information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration.

SEC. 3. Section 4152 of said code is amended to read:

4152. The department may accept an application for registration of a vehicle which is not within this state when the application is accompanied by an affidavit signed by both the seller and purchaser giving the name and address of each, a description of the vehicle, including a statement of the weight thereof if such vehicle is subject to fees based upon its weight, and a statement that the vehicle is purchased for use in this state and not for immediate resale and that the sales tax or use tax payable in this state has been paid or that report of the sale has been made and payment of the tax arranged for or secured with the proper state authorities.

SEC. 4. Section 4453 of said code is amended to read:

4453. The registration card shall contain upon the face thereof the date issued, the name and address of the owner and of the legal owner, if any, the registration number assigned to the vehicle, and a description of the vehicle as complete as that required in the application for registration of the vehicle.

The director may modify the form, arrangement, and information appearing on the face of the registration card and may provide for standardization and abbreviation of fictitious or

firm names thereon whenever he finds that the efficiency of the department will be promoted thereby.

SEC. 5. Section 5007 of said code is repealed.

SEC. 6. Section 6700 of said code is amended to read:

6700. A nonresident owner of a foreign vehicle of a type otherwise subject to registration under this code may, subject to exceptions and special provisions contained in this chapter, operate or permit the operation of the vehicle within this state without registering the vehicle in, or paying any fees to, this state, subject to the condition that the vehicle at all times when operated in this state is duly registered in, and displays upon it valid license plates issued for the vehicle in, the place of residence of the owner.

For the purpose of this section, license plates issued by any foreign jurisdiction shall be considered to expire not more than one year from their date of issue.

SEC 7. The provisions of this act shall become effective January 1, 1966.

CHAPTER 1716

An act to add Chapter 10 (commencing with Section 660) to Part 1 of Division 1 of the Insurance Code, relating to automobile 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. Chapter 10 (commencing with Section 660) is added to Part 1 of Division 1 of the Insurance Code, to read:

CHAPTER 10. CANCELLATION

660. The commissioner, by regulation, shall prescribe the grounds upon which an insurer may cancel a policy of automobile insurance. No insurer shall cancel a policy of automobile insurance except upon such ground or grounds as have been prescribed by the commissioner.

The regulations of the commissioner shall be adopted, amended or repealed in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

661. No insurer shall cancel a policy of automobile insurance, unless it provides a written statement to the insured, setting forth the grounds upon which its cancellation is based.

662. The commissioner, by regulation, shall establish a procedure whereby any person whose automobile insurance policy has been canceled may appeal the insurer's cancellation. The appeal shall relate to the ground or grounds upon which the insurer's action is based.

The commissioner may provide in such regulation for the establishment of fees, including advance deposits thereon not exceeding twenty-five dollars ($25), to cover the cost of the appeal. Such fee may be assessed against either or both parties to the appeal or such advance deposit may be refunded.

663. There shall be no liability on the part of, and no cause of action shall arise against, any insurer or its licensed investigative sources for any statements made by it in a written notice required to be given pursuant to this chapter

664. Cancellation for nonpayment of any premium is exempt from the provisions of this chapter.

CHAPTER 1717

An act to amend Sections 16601, 16603, 16604, 16605, 16606, 16606.5, 16607, 16608, 16611, 16612, 16613, 16614, 16615, 16616, 16617, 16618, 16619, 16620, 16621, 16622, 16623, 16624, 16625, 16625.1, 16625.2, 16625.3, 16626, 16626.5, 16627, 16628, 16630, 16631, 16632, 16633, 16633.5, 16634, 16635, 16635.1, 16636, 16637, 16638, 16639 and 16640 of, and the heading of Chapter 5 (commencing with Section 16601) of Division 12 of, and to add Sections 16616.1 and 16625.01 to, the Education Code, relating to children's centers, 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. The heading of Chapter 5 (commencing with Section 16601) of Division 12 of the Education Code is amended to read:

CHAPTER 5. CHILDREN'S CENTERS

SEC. 2. Section 16601 of the Education Code is amended to read:

16601. It is the intent of the Legislature that the programs established in children's centers provide educational services for children to aid them in developing the abilities and skills which will make school achievement more possible. The policy of the Legislature in enacting this chapter (commencing at Section 16601) is to continue children's centers to provide supervision and instruction for children necessitated by the employment of women with children, who must be employed to achieve economic self-sufficiency for the family and for children of parents in the public assistance programs and other families who might become dependent on such programs, without imposing additional taxes on property which the

owners of such property cannot, because of the burden now imposed, be reasonably expected to bear.

SEC. 3. Section 16603 of said code is amended to read:

16603. The need of a parent and child for service in a children's center shall be determined upon the following conditions:

(a) That there is but one parent in the home and such parent supports and cares for the child, or there is but one parent in the home who requires education or training to qualify for entrance upon employment that will make the family economically self-sufficient, or

(b) That there are two parents in the home, both of whom are working, or one of whom is physically or mentally unable to either support the family or care for the child, or

(c) That a child is in need of a preschool educational program before entrance to kindergarten because of disadvantage arising from home and community environmental conditions.

(d) That either parent is attending school or receiving instruction, and the other parent, if any, is gainfully employed, or

(e) That the services of the parent having care of the child are necessary as a qualified and acceptable teacher in a public school or as a qualified and acceptable supervisor to serve in the supervision and instruction of children in a children's center or a supervisor of a children's program, as shall be evidenced by a statement from the employing authority of the public school to the governing body of the children's center, or

(f) That the services of the parent having care of the child are necessary as a registered nurse, as shall be evidenced by a statement from the responsible employer to the governing body of the children's center, or

(g) That the services of the parent having care of the child are necessary as a worker in industry essential to the mobilization effort, as shall be evidenced by a statement from the employer in such industry as shall have been designated as essential to the mobilization effort by the Director of Employment, or

(h) That the services of the parent having care of the child are necessary to meet an emergency arising from the necessity of harvesting or processing crops, or as an agricultural worker, or

(i) That the parent or parents having care of the child are attending school or receiving instruction under the state vocational rehabilitation program or under the Manpower Development and Training Act or under other programs authorized for a parent or parents in families qualifying for aid to families with dependent children, as shall be evidenced by a statement from any one of such agencies, or that one parent in a two-parent family is attending school or receiving instruction under any one of such programs, and the other parent is employed or mentally or physically incapacitated.

The need of a parent to utilize a children's center who comes within subdivision (a), (b) or (c) of this section or is receiving or is likely to receive public assistance shall take precedence over the need for children of a parent, or parents, and child who come within subdivisions (d) to (i), inclusive, of this section.

SEC. 4. Section 16604 of said code is amended to read:

16604. Except as provided in Section 16605, no child shall be admitted to a children's center if the total monthly income from all sources of the child's immediate family:

(a) Where both parents are working, exceeds five hundred eight dollars ($508) if there is one child in the family, and an additional sixty-six dollars ($66) for each additional child.

(b) Where but one parent, who has both custody and care of the child, is the sole wage earner of the child's immediate family, exceeds three hundred sixty-three dollars ($363) if there is one child in the family, and an additional sixty-six dollars ($66) for each additional child.

Except as provided in Section 16605 the maximum "total monthly income" figure in either case may be exceeded in any month or months of the year if in the opinion of the board the total income from all sources, of the child's immediate family for the calendar year divided by 12 will not exceed such maximum. In computing the maximum "total monthly income" of self-employed persons the gross income of such persons may be reduced by the legitimate business expenses incident to the self-employment. In estimating earnings of any member of the child's immediate family the computation of weekly wages shall be on the basis of wages based on a five-day week if the employer of such person certifies to said governing board that the workweek of such person is five days or more.

SEC. 5. Section 16605 of said code is amended to read:

16605. If either parent is a veteran coming within subdivision (d) of Section 16603 and is attending school or receiving instruction for not less than half time, or if the parent or if either parent comes within subdivision (a), (e), (f), (g), (h), or (i) of Section 16603, and if the income from all sources of the child's immediate family exceeds that fixed by Section 16604, but is not greater than three times the amount fixed by Section 16604, a child of such parent may be admitted to a children's center but the governing board of the school district maintaining the children's center shall, notwithstanding anything in Section 16614 to the contrary, charge and collect from the person having custody of the child, except a parent coming within (a) of Section 16603, a weekly fee which shall be in such amount as will reimburse the district for the cost of supervision instruction, and the cost of all food furnished such child. The governing board shall charge a parent coming within (a) of Section 16603 the fee required for the applicable maximum income as provided in Section 16604, plus, for each full eleven dollars ($11) of an additional sixty-six dollars ($66) of income, one-sixth of the difference between that fee

and the amount which will reimburse the district for the cost of supervision, instruction, and all food furnished the child.

As applied to the families of men on active duty with the United States armed forces, only that portion of the pay of enlisted personnel shall be included in the "total monthly income" which is the amount which is accounted for as "base pay."

SEC. 6. Section 16606 of said code is amended to read:

16606. The governing board of any school district may, subject to the provisions of this chapter (commencing at Section 16601), establish and maintain such children's centers within the district as it may deem necessary to provide for the proper supervision and instruction, including such health supervision as may be established under the standards established for children's centers by the Superintendent of Public Instruction as hereinafter provided, of children between 2 years and 16 years of age living within, and in the custody of persons residing in, the district when such supervision and instruction cannot be provided by such persons.

SEC. 7. Section 16606.5 of said code is amended to read:

16606.5. The county superintendent of schools of each county, with the approval of the county board of education, shall have the authority to establish and maintain children's centers in the same manner and to the same extent as governing boards of school districts, except that 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 center.

The establishment and maintenance of any children's center 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 entered into between the county superintendent of schools and the governing board of any such district.

SEC. 8 Section 16607 of said code is amended to read:

16607. Children regularly enrolled in a children's center who are absent on account of illness or quarantine shall be considered to be in regular attendance for the number of hours per day for which they are enrolled for the purpose of reporting attendance for state apportionments, whenever the school district certifies that such absence was on account of illness or quarantine and is verified by the district in such manner as the Superintendent of Public Instruction shall require. All attendance shall be recorded and reported in accordance with the requirements of the Superintendent of Public Instruction.

SEC. 9. Section 16608 of said code is amended to read:

16608. Said governing board may accommodate in a children's center maintained by it children residing in another

district, upon such terms and under such conditions as may be agreed upon by the governing boards of both districts.

SEC. 10. Section 16611 of said code is amended to read:

16611. The Superintendent of Public Instruction shall establish reasonable and uniform standards not in conflict with the provisions of this chapter (commencing at Section 16601) for children's centers established and maintained under the provisions of this chapter (commencing at Section 16601) and no center shall be so established and maintained which does not comply with such standards.

The Superintendent of Public Instruction may establish such regulations as he deems advisable concerning conditions of service and hours of enrollment for children in children's centers.

SEC. 11. Section 16612 of said code is amended to read:

16612. The hours in any day, the days in any week and the months in any year during which such children's centers may be maintained shall be determined by said governing board.

SEC. 12. Section 16613 of said code is amended to read:

16613. Children shall be accommodated at such children's centers that part of the day as designated by the governing board as a preschool educational period when there is a special emphasis on cognitive and developmental tasks not to exceed four (4) clock hours daily; and only during those other hours in which the person or persons having custody of children are at work, or unable to care for children for any reason connected with such work, or unable to care for children for any reason specified in Section 16603.

SEC 13. Section 16614 of said code is amended to read:

16614. Said governing board shall charge and collect, in advance, from the person having custody of any child admitted to a children's center a weekly fee equal to that specified in the fee schedule prescribed by the Superintendent of Public Instruction except those daily hours for which payment is made under other agreements or when the governing board determines that another method of collecting fees would prevent imposing a hardship on the person having custody of the child. Payments made on behalf of a parent may be made after services are rendered.

It is hereby declared to be the policy of the Legislature that the sliding scale of fees prepared by the Superintendent of Public Instruction shall provide that increasingly larger fees shall be charged for children of families having larger incomes. It is further declared to be the policy of the Legislature that so far as possible when it becomes necessary for the Superintendent of Public Instruction to adjust the fee schedule that any increase shall be made first in fees charged to those in the higher income brackets, and the rate of increase in fees charged for children of families of different income levels need not be uniform as between the different income levels. It is further declared to be the policy of the Legislature that the fee sched-

ule 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 children's center program and to establish uniform budgetary and accounting procedures.

SEC. 14. Section 16615 of said code is amended to read:

16615. It is hereby declared to be the policy of the Legislature that, on a statewide average, of the total amount of the cost for the maintenance and operation of children's centers paid for by state funds apportioned to the districts and fees collected from parents, two-thirds of such total cost shall be paid from such state funds and one-third from such fees Funds derived from district taxes levied under this chapter (commencing at Section 16601) may be expended to addition to parent fees and state funds, and shall not operate to affect the operation of either the fee schedule or the formula for apportioning state funds provided for in this chapter (commencing at Section 16601).

SEC. 14.3. Section 16616 of said code is amended to read:

16616. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district for the charging of fees to parents. For parents who come within the provisions of Section 16604, the schedule shall be on a sliding scale, ranging from a lesser amount for parents within low income levels to a higher amount for higher income levels. The schedule shall provide as nearly as possible an amount equal to fourteen cents ($0.14) per hour per child. The fee schedule shall be on an hourly basis, and shall be uniformly applied.

For parents of mentally retarded or physically handicapped children, the schedule shall be as provided in Section 16645.9.

The State Department of Education and the State Department of Social Welfare are authorized to enter into a contract to provide for the provision of services to families receiving public assistance or with comparable income; provided that any payment of fees exceeding an average of fourteen cents ($0.14) shall only be paid under such contract if necessary to assure the existence of facilities for such families.

The State Department of Social Welfare shall have only such functions, duties and responsibilities with respect to the educational program carried on in children's centers as is required by law and federal regulations.

SEC. 14.6. Section 16616.1 is added to said code, to read:

16616.1. The Superintendent of Public Instruction is authorized to serve as the contracting agency with local public agencies and under the terms of the contract between the Department of Education and the Department of Social Welfare shall transmit funds paid by the Department of Social Welfare to such local agencies.

SEC. 15. Section 16617 of said code is amended to read:

16617. The Superintendent of Public Instruction may revise the fee schedule as necessary in order to conform with the

provisions of this code. A change in the fee schedule shall become effective 15 days after notice of such change has been given by the Superintendent of Public Instruction in writing to each district maintaining a children's center.

SEC. 16. Section 16618 of said code is amended to read:

16618. The statewide average state support per hour per child shall be twenty-eight cents ($0.28).

(a) For purposes of this article (commencing at Section 16601) the Superintendent of Public Instruction shall apportion state funds to the districts using twenty-eight cents ($0.28) per hour per child. If the fees collected by any district shall for any month be less or more than fourteen cents ($0.14) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than fourteen cents ($0.14) per hour per child.

(b) For development centers for handicapped minors, the Superintendent of Public Instruction shall apportion state funds as provided in Section 16645.11.

SEC. 17. Section 16619 of said code is amended to read:

16619. Recognizing the fact that certain mothers are forced to work due to the father serving in the armed forces of the United States—the State of California, or as civilians, having been killed, reported missing, or so disabled so as to be unable to follow his employment, as a result of enemy action, it is the intent of the Legislature that consideration be given to the income of such mother and dependent children in setting fees to be charged by the school district for the supervision and instruction of such children.

SEC. 18. Section 16620 of said code is amended to read:

16620. Hours of attendance of children of, and fees collected from, parents required by this chapter (commencing at Section 16601) to pay the full cost of supervision, care, and all food of a child in a children's center shall not be used in computing amounts under Section 16618.

SEC. 19. Section 16621 of said code is amended to read:

16621. The said governing board shall establish in the county treasury a fund to be known as the "children's center fund" into which shall be paid all funds received by the district for, or from the operation of, children's centers, including, but not limited to, all funds derived under Sections 16634 and 16635. The costs incurred in the maintenance and operation of children's centers shall be paid from said fund, except that any contributions authorized or required to be paid by the district on account of services of employees of a children's center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14657 or 14758 of the Education Code or Section 20532 of the Government Code.

No other funds of a district derived from the receipts of district taxes, except a district tax levied under Sections

16633 and 16635, or derived from moneys apportioned to the district for the support of the schools thereof, except state moneys expressly appropriated from the General Fund for the support of children's centers, may be expended for, or in connection with, a children's center.

SEC. 20. Section 16622 of said code is amended to read:

16622. If during any fiscal year there is apportioned to the "children's center fund" more or less than the amount to which the fund was entitled, the Superintendent of Public Instruction during the next or any succeeding fiscal year shall withhold from, or add to, the apportionment during such next or succeeding year, the amount of such excess or deficiency.

SEC. 21. Section 16623 of said code is amended to read:

16623. Said governing board may adopt such reasonable rules and regulations governing the children's center or centers maintained by it as are not in conflict with law or the standards and regulations established for children's centers by the Superintendent of Public Instruction. The rules and regulations adopted by the governing board may include, among others, rules and regulations relating to the admission of children to, and their exclusion from, such center or centers.

SEC. 22. Section 16624 of said code is amended to read:

16624. No standard, rule or regulation shall require medical examination or immunization for admission to a children's center of a child whose parent or guardian files a letter with the governing board of the school district stating that such medical examination or immunization is contrary to his or her religious beliefs, or provide for the exclusion of a child from the center because of parent or guardian having filed such a letter; provided, however, that whenever there is good cause to believe that a child is suffering from a recognized contagious or infectious disease, the child may be temporarily excluded from the center until the governing board of the school district is satisfied that any contagious or infectious disease does not exist.

SEC. 23. Section 16625 of said code is amended to read:

16625. The said governing board shall employ in a children's center only such persons who hold permits issued by the Superintendent of Public Instruction. Any person holding a regular kindergarten-primary, general elementary credential, or a standard teaching credential with a specialization in elementary teaching issued by the State Board of Education is deemed to hold a regular children's center permit that will authorize supervision and instruction of children or supervision of a children's program. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the supervision and instruction of children or supervision of a program. Each person employed by the governing

board of a school district for a position requiring a permit shall, not later than 95 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 95 days after the renewal thereof, file the renewed permit in the same manner.

SEC. 24. Section 16625.01 is added to said code, to read:

16625.01. Notwithstanding the provisions of Sections 16625, 16625.1, 16625.2, 16625.3, or any other provision of law, a high school student or any other adult may be elected by the governing board of a school district or a county superintendent of schools to serve as a nonteaching assistant under the immediate supervision and direction of persons employed in positions pertaining to the supervision and instruction of children or supervision of a children's center program to perform noninstructional work which serves to assist such personnel requiring permits in performance of supervision and instruction and administrative responsibilities. Each person shall have had a health examination made within the 12-month period preceding the date of employment. Each person shall also submit duplicate personal identification cards upon which shall appear legible fingerprints and a personal description of the applicant.

SEC. 25. Section 16625.1 of said code is amended to read:

16625.1. The same fee as that prescribed for a credential provided in Section 13182 of this code shall be charged for either the issuance or renewal of each children's center permit authorizing service in the supervision and instruction of children in the children's centers or authorizing service as a supervisor in a program.

SEC. 26. Section 16625.2 of said code is amended to read:

16625 2. Children's center permits issued to persons employed in positions pertaining to the supervision and instruction of children or supervision of a children's center program may consist of two types, regular and provisional. Requirements for each type of permit shall be prescribed by the State Board of Education.

SEC. 27. Section 16625.3 of said code is amended to read:

16625.3. Service under a provisional permit shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a children's center. Such persons employed on the effective date of this legislation and who have been employed for three consecutive years prior to the effective date of this legislation shall be deemed to have met the requirements for a regular permit and shall not be subject to the requirements of a provisional permit.

SEC 28. Section 16626 of said code is amended to read:

16626. Each person employed by a school district in a position requiring a children's center permit for the supervision

and instruction of children, or for service as a physician, dentist, or nurse, or in the supervision of the children's center program, shall be deemed to be employed in a position requiring certification qualifications, but shall not be entitled to membership in the State Teachers' Retirement System or in any district retirement system for employees in positions requiring certification qualifications unless such person meets the criteria established in Education Code Section 13956.1 which shall take precedent over the above section of said code.

Each other person employed by a district in a children's center under the provisions of this chapter (commencing at Section 16601) shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications.

The provisions of Section 13525, Section 13525.1 or Section 13526 of the Education Code, as enacted by the Legislature at its 1959 Regular Session, shall not apply to employees in children's centers.

A district may lay off an employee required to have such a permit at any time during the school year for lack of work or lack of funds or may provide for his employment for not to exceed 90 days in any one school year on an intermittent basis which shall not be deemed probationary service. The order of layoff shall be determined by length of service. The employee who has served the shortest time shall be laid off first, except that no permanent employee shall be laid off ahead of a probationary employee. A permanent employee who has been laid off shall hold reinstatement rights for a period of 39 months from the date of layoff.

Service performed prior to the effective date of this section shall not be included in computing the service required as a prerequisite for attainment of, or eligibility to, classification as a permanent children's center employee.

A person who is employed by a district as a probationary employee in a position requiring a children's center permit for the supervision and instruction of children, or for service as a physician, dentist, or nurse, or in the supervision of the children's program and who has served in such a position for three complete consecutive school years as defined in Sections 13328 and 13464 of the Education Code, immediately prior to the effective date of this section may be dismissed only in accordance with the provisions of Section 13444.

Other persons who are employed as probationary employees in positions requiring such permits on or after the effective date of this section may be dismissed in accordance with the provisions of Section 13443.

SEC. 29. Section 16626.5 of said code is amended to read:

16626.5. For purposes of Section 13513 of this code only, every person employed by a school district, on or after January 1, 1957, and before the effective date of the amendment to Section 16626 made by Chapter 1958 of the Statutes of 1959, in a position requiring a children's center permit for the

supervision and instruction of children, or for service as a physician, dentist, or nurse, or in the supervision of the children's center program, shall be deemed to have been employed during that period in a position requiring certification qualifications.

SEC. 30. Section 16627 of said code is amended to read:

16627. Any city, county, or city and county charter provision to the contrary notwithstanding, each person employed by a school district on July 1, 1955, and each person employed by a school district on September 11, 1957, who was theretofore excluded, solely by reason of the provisions of the predecessor of Section 16626 in effect prior to July 1, 1955, or who was theretofore excluded solely by reason of the provisions of the predecessor of this section prior to September 11, 1957, from membership in any retirement system in which the district participates or to which it contributes for the purpose of providing retirement rights and benefits for employees of the district not employed in a status requisite for membership in the State Teachers' Retirement System, shall become a member of the retirement system from which he was excluded, on July 1, 1955, or on September 11, 1957, if theretofore excluded solely by reason of the provisions of the predecessor of this section in effect prior to that date. Every such member shall be entitled to credit for service in children's centers rendered prior to July 1, 1955, or prior to September 11, 1957, if therefore excluded, and before he became a member of the system, in the same manner as if he had not theretofore been excluded from membership in the retirement system, except that he shall not be required to make any contributions to the retirement system in respect to such service rendered prior to his membership, and all contributions necessary to provide benefits on account of such service shall be paid to the retirement system by the school district by which the member is employed. For the purpose of computing benefits for services rendered prior to July 1, 1955, as provided in this section, the average monthly salary earned by such employee in the fiscal year 1954–55 shall be used and for the purpose of computing benefits for service rendered between July 1, 1955, and September 11, 1957, for members receiving credit for service between those dates under the provisions of the predecessor of this section as amended by Chapter 1238 of the Statutes of 1957, the average monthly salary earned by such employees in the fiscal year 1956–57 shall be used.

Notwithstanding any other provisions of this section, for the purpose of computing benefits for any person retired on and after January 1, 1958, for services rendered prior to July 1, 1955, as provided in this section, and for the purpose of computing benefits for service rendered between July 1, 1955, and September 11, 1957, for members receiving credit for service between those dates under the provisions of this section, the "final compensation" of such person shall be computed in the same manner as for other employees who are included in the

same retirement system and in the same class of retirement system members and who are not affected by this section. The amendment to this section enacted at the 1963 session shall be applied to increase the allowances, payable subsequent to October 1, 1963, in respect to those members who retired on or after July 1, 1955.

Notwithstanding any other provision of this section no increased allowance shall be paid, as authorized by this section, to any person who has retired between July 1, 1955, and October 1, 1963, unless the person to whom the increase would otherwise be payable mails written application for the increase to the appropriate retirement system prior to April 1, 1964.

SEC. 31. Section 16628 of said code is amended to read:

16628. Every employee of a children's center who before his employment in such center was employed by the district maintaining such center in a position entitling him to membership in, and who was a member of, the retirement system maintained by such district, and if such employee's contributions to such retirement system were returned to him when he was employed in the children's center, such employee shall have the right to elect, by written document filed with the Board of Administration, State Employees' Retirement System, at any time within 90 days after the date upon which the notice of the right to make such election is mailed by such system, either to the member's latest address on file in the office of such system, or to the office of the governing board of such district or districts, and prior to the date of retirement, to contribute to such system, subject to minimum payments fixed by the Board of Administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his accumulated contributions, including interest, transferred as required in paragraph (1) of subdivision (b) of Section 14696 of this code, will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him in such plan, if he had never had his contributions returned to him. Such employee shall pay to the State Employees' Retirement System interest on the unpaid balance of the amount payable to such system, beginning with the date of transfer, at the rate of interest currently used from time to time under the system. If such employee elects to make, and makes, such contributions and pays such interest, but not otherwise, he shall receive credit under such employees' system, as state service, for all prior service rendered while he was not a member of such plan.

SEC. 32. Section 16630 of said code is amended to read:

16630. The State Department of Education is hereby authorized to accept funds from the government of the United States and to apportion them to the governing board of such school districts as conduct children's centers which are hereby authorized to accept such funds or funds from any other source for any of the purposes of this chapter (commencing at Section 16601) and all such funds may be accepted subject

to such conditions as will further the purposes of this chapter (commencing at Section 16601).

SEC. 33. Section 16631 of said code is amended to read:

16631. Any money appropriated to be apportioned by the Department of Education to school districts maintaining children's centers pursuant to this chapter (commencing at Section 16601), and to the governing authorities of state institutions maintaining children's centers, shall be apportioned to such school districts and governing authorities solely in accordance with the provisions of this chapter (commencing at Section 16601).

SEC. 34. Section 16632 of said code is amended to read:

16632. The unencumbered balance of any appropriation for children's centers shall revert to the General Fund June 30th of the year for which appropriated.

SEC. 35. Section 16633 of said code is amended to read:

16633. Pursuant to Sections 20501 to 21001, inclusive, the governing board of any school district maintaining a children's center may include in its budget the amount necessary to carry out its children's center program pursuant to this chapter (commencing at Section 16601) and the board of supervisors shall levy a school district tax necessary to raise such amount. The tax shall be in addition to any other school district tax authorized by law to be levied.

SEC 36. Section 16633.5 of said code is amended to read:

16633.5. Any school district, the governing board of which has entered into a contract with the county superintendent of schools for the establishment and maintenance of a children's center pursuant to Section 16606.5, shall be deemed, for purposes of Section 16633, to be maintaining a children's center.

SEC. 37. Section 16634 of said code is amended to read:

16634. After June 30, 1952, if no state funds are made available for the support of children's centers, a school district or a county may provide, either jointly or severally, for the continuance of the children's centers established and maintained in such school district or county. If a county desires to undertake, partially, or wholly, the support and maintenance of such children's centers, it may levy a tax to provide funds for such partial or whole support. If a county undertakes the whole support of such children's centers, it may provide for their administration by the county department of social welfare or by contract entered into with the school district in which such children's center is located, or by both. If a county undertakes the partial support of such children's centers, it may either make contributions of the proceeds of the tax levied pursuant to this section to the school districts within such county maintaining children's centers, or may use such proceeds by contributing the services of the county department of social welfare to the children's centers for purposes agreeable to the school districts maintaining such centers.

SEC. 38. Section 16635 of said code is amended to read:

16635. In any county or school district in which local conditions demand or make desirable the furnishing of additional services or facilities, a school district or a county may provide, either jointly or severally, for such additional services or facilities of the children's centers established and maintained in such school district or county. Any additional services or facilities furnished pursuant to this section shall meet all of the requirements of this chapter. Any county desiring to provide such additional services or facilities may levy a tax to provide funds for such purpose. Pursuant to Sections 20501 to 21001, inclusive, the governing board of any school district desiring to provide such additional services or facilities may include in its budget the amount necessary therefor and the board of supervisors shall levy a school district tax necessary to raise such amount. The school district tax shall be in addition to any other school district tax authorized by law to be levied.

SEC. 39. Section 16635.1 of said code is amended to read:

16635.1. Any tax funds raised pursuant to Sections 16633 or 16635 may be used to purchase land or buildings, to erect new buildings, to make alterations or additions to existing buildings, and to purchase furniture, apparatus or equipment for children's centers.

SEC. 40. Section 16636 of said code is amended to read:

16636. Any children's 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 children's center the governing board shall mail to each person having custody of a child in attendance at such children's center a notice of the intended discontinuance of the children's center and the date the discontinuance will become effective, and shall post a similar notice at the children's center.

SEC. 41. Section 16637 of said code is amended to read:

16637. Any unencumbered balance remaining in a district "children's center fund" may be deposited in the general fund of the school district one year after the discontinuance of its children's center program pursuant to Section 16636 or Section 16640.

SEC. 42. Section 16638 of said code is amended to read:

16638. Said governing board shall insure against the liability, other than a liability which may be insured against under Division 4 of the Labor Code, imposed upon the district by any law of this state, in any insurance company authorized to do business in this state. The cost of such insurance shall be paid out of the "children's center fund" of the district.

SEC. 43. Section 16639 of said code is amended to read:

16639. No new children's center shall be established unless specifically authorized by the Department of Education after it has surveyed the financial needs of the existing children's centers and finds that the establishment of the new children's

center will not financially jeopardize or otherwise curtail the operations of the existing children's centers.

SEC. 44. Section 16640 of the said code is amended to read:

16640. A children's center may be closed by order of the Department of Education after it has determined that the economic conditions in the area served by such children's center no longer warrant its continued existence.

SEC. 45. 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 urgently needed expansion of existing and new children's centers may be established as soon as possible and to permit the use of federal funds for the 1965–66 fiscal year to be made available as early as possible in that fiscal year, it is necessary that this act take effect immediately.

CHAPTER 1718

An act to amend Section 10352 of, and to add Section 10502.4 to, the Streets and Highways Code, relating to municipal 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 10352 of the Streets and Highways Code is amended to read:

10352. All changes shall be made on notice and hearing as herein provided, except changes may be made:

(a) At the hearing on the report, which:

(1) Reduce the total amount of the assessment;

(2) Eliminate a portion of the work or provide a substitution therein without increasing the cost of any assessment by reason thereof or substantially affecting the distribution of benefits from the work; or

(3) Eliminate a portion of the assessment district without increasing the amount of any assessment by reason thereof or substantially affecting the distribution of benefits from the work; or

(4) Exclude territory which will not be benefited by the improvement without increasing the amount of any assessment by reason thereof; and

(b) At any time after the improvements are ordered and during the pendency of the proceedings, which:

(1) Do not increase the total amount of the assessment; or

(2) Provide for the elimination or addition of work or substitutions therein, though they result in an increase in some

assessments, provided that the owners of the property affected request in writing that the changes in the work and in the assessments be made; or

(3) Exclude territory which will not be benefited by the improvement without increasing the amount of any assessment by reason thereof.

SEC. 2. Section 10502.4 is added to said code, to read:

10502.4. If, in the opinion of the legislative body, the public interest will not be served by allowing the property owners to take a contract, it may so provide in the resolution of intention. In such event, no notice of award of contract need be published pursuant to Section 10502.1.

CHAPTER 1719

An act to amend Sections 932.1, 3161, 3164, 3167, and 3168 of the Education Code, relating to county committees on school district organization.

[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 932.1 of the Education Code is amended to read:

932.1. The governing board of each school district of every kind or class shall annually at its initial meeting select one of its members as its representative who shall have one vote for each member to be elected to the county committee provided by Article 3 (commencing with Section 3161) of Chapter 10 of Division 5 of this code. The secretary or clerk of the district shall furnish the county superintendent of schools with a certificate naming the representative selected by the board.

SEC. 2. Section 3161 of said code is amended to read:

3161. There is in each county, except a county which is also a city and county, a county committee on school district organization. The number of members of the county committee in each county shall be determined as provided in this article.

SEC. 3. Section 3164 of said code is amended to read:

3164. In every county with six or more school districts under the jurisdiction of the county superintendent of schools of the county, the county committee on school district organization shall have 11 members. A majority of the representatives of the governing boards, provided for in Section 932.1, at their annual meeting shall elect the members of the county committee to fill vacancies that will be created by the expiration of terms of office. No action to elect members of a county committee shall be taken at an annual meeting unless a quorum of the representatives is present.

An annual meeting of the representatives shall be called by the county superintendent of schools which shall be held between October 1 and December 1. Notice of the meeting shall be deemed sufficient and complete when deposited in the United States mail with postage prepaid, addressed to the clerk or secretary of the governing board of each district.

If the representatives fail to elect members of the county committee, the county superintendent of schools shall appoint the members.

SEC. 4. Section 3167 of said code is amended to read:

3167. The term of office of each member of the county committee shall begin upon election or appointment pursuant to Sections 3163 and 3164 and shall be for four years and until his successor is elected or appointed, as the case may be, and qualified The terms of the members first selected shall be determined by lot so that as nearly as possible thereafter one-fourth ($\frac{1}{4}$) of the members shall be elected annually.

SEC. 5. Section 3168 of said code is amended to read:

3168 Vacancies in the membership of the county committee are caused by the happening of any of the events specified in Section 1770 of the Government Code. In a county in which the members of the county committee are appointed by the county superintendent of schools, he shall fill any vacancies. In a county in which the members of the county committee are elected by the representatives of the governing boards, vacancies shall be filled by the remaining members of the committee or, if they fail to fill such vacancies with qualified electors within 60 days, by the county superintendent of schools. Persons appointed to fill such vacancies shall hold office for the completion of the unexpired term.

CHAPTER 1720

An act to amend Section 1203 of the Penal Code, relating to penalties for crimes.

[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 of the Penal Code is amended to read:

1203. After the conviction by plea or verdict of guilty of a public offense not amounting to a felony, in cases where discretion is conferred on the court or any board or commission or other authority as to the extent of the punishment, the court, upon application of the defendant or of the people or upon its own motion, may summarily deny probation, or at a time fixed may hear and determine in the presence of the defendant the matter of probation of the defendant and the conditions of such probation, if granted. If probation is not

denied, and in every felony case in which the defendant is eligible for probation, before any judgment is pronounced, and whether or not an application for probation has been made, the court must immediately refer the matter to the probation officer to investigate and to report to the court, at a specified time, upon the circumstances surrounding the crime and concerning the defendant and his prior record, which may be taken into consideration either in aggravation or mitigation of punishment. The probation officer must thereupon make an investigation of the circumstances surrounding the crime and of the prior record and history of the defendant, must make a written report to the court of the facts found upon such investigation, and must accompany said report with his written recommendations, including his recommendations as to the granting or withholding of probation to the defendant and as to the conditions of probation if it shall be granted. The report and recommendations must be made available to the court and the prosecuting and defense attorneys at least two days prior to the time fixed by the court for the hearing and determination of such report and must be filed with the clerk of the court as a record in the case at the time of said hearing. By written stipulation of the prosecuting attorney and the defense attorney, filed with the court, or by oral stipulation in open court made and entered upon the minutes of the court, the time within which the report and recommendations must be made available and filed, under the preceding provisions of this section, may be waived. At the time or times fixed by the court, the court must hear and determine such application, if one has been made, or in any case the suitability of probation in the particular case, and in connection therewith must consider any report of the probation officer, and must make a statement that it has considered such report which must be filed with the clerk of the court as a record in the case. If the court shall determine that there are circumstances in mitigation of punishment prescribed by law, or that the ends of justice would be subserved by granting probation to the defendant, the court shall have power in its discretion to place the defendant on probation as hereinafter provided; if probation is denied, the clerk of the court must forthwith send a copy of the report and recommendations to the Department of Corrections at the prison or other institution to which the defendant is delivered.

In every misdemeanor case, the court may, at its option refer the matter to the probation officer for investigation and report or summarily deny probation or summarily grant probation.

The Legislature hereby expresses the policy of the people of the State of California to be that, except in unusual cases where the interest of justice demands a departure from the declared policy, no judge shall grant probation to any person who shall have been convicted of robbery, burglary or arson, and who at the time of the perpetration of said crime or any

of them or at the time of his arrest was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same), nor to a defendant who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted willfully inflicted great bodily injury or torture, nor to any such person unless the court shall be satisfied that he has never been previously convicted of a felony in this state nor previously convicted in any other place of a public offense which would have been a felony if committed in this state.

Except as hereafter provided in this section, probation shall not be granted to any person who shall have been convicted of burglary with explosives, rape with force or violence, murder, assault with intent to commit murder, attempt to commit murder, train wrecking, kidnaping, escape from a state prison, conspiracy to commit any one or more of the aforementioned felonies, and who at the time of the perpetration of said crime or any of them or at the time of his arrest was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same), nor to a defendant who used or attempted to use a deadly weapon upon a human being in connection with the perpetration of the crime of which he was convicted, nor to one who in the perpetration of the crime of which he was convicted willfully inflicted great bodily injury or torture, nor to any defendant unless the court shall be satisfied that he has not been twice previously convicted of felony in this state nor twice previously convicted in any other place or places of public offenses which would have been felonies if committed in this state; nor to any defendant convicted of the crime of burglary with explosives, rape with force or violence, murder, attempt to commit murder, assault with intent to commit murder, train wrecking, extortion, kidnaping, escape from a state prison, violation of Sections 286, 288 or 288a of this code, or conspiracy to commit any one or more of the aforesaid felonies, unless the court shall be satisfied that he has never been previously convicted of a felony in this state nor previously convicted in any other place of a public offense which would have been a felony if committed in this state; nor to any defendant unless the court shall be satisfied that he has never been previously convicted of a felony in this state nor convicted in any other place of a public offense which would have been a felony if committed in this state and at the time of the perpetration of said previous offense or at the time of his arrest for said previous offense he was himself armed with a deadly weapon (unless at the time he had a lawful right to carry the same) or he personally used or attempted to use a deadly weapon upon a human being in connection with the perpetration of said previous offense or in the perpetration of said previous offense he willfully inflicted great bodily injury or torture; nor to any public official or peace officer of the state, county, city, city and county, or other political subdivision who, in the discharge

of the duties of his public office or employment, accepted or gave or offered to accept or give any bribe or embezzled public money or was guilty of extortion.

In unusual cases, otherwise subject to the preceding paragraph, in which the interests of justice would best be served thereby, the judge may, with the concurrence of the district attorney, grant probation.

No probationer shall be released to enter another state of the United States, unless and until his case has been referred to the California Administrator, Interstate Probation and Parole Compacts, pursuant to the Uniform Act for Out-of-state Probationer and Parolee Supervision.

In those cases in which the defendant is not eligible for probation, the judge may in his discretion refer the matter to the probation officer for an investigation of the facts relevant to sentence. The probation officer must thereupon make an investigation of circumstances surrounding the crime and the prior record and history of the defendant and make a written report to the court of the facts found upon such investigation.

CHAPTER 1721

An act to add Section 4453.5 to the Vehicle Code, and Section 9727.2 to the Revenue and Taxation Code, relating to leased 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 4453.5 is added to the Vehicle Code, to read:

4453.5. In the case of leased vehicles, the lessor and the lessee may be shown on the registration card as the owner and the user of a vehicle, and the department may designate their relationships upon such card and the ownership certificate by the words "lessor" and "lessee" and may designate thereon the address of the lessee.

Transfers of ownership involving vehicles as described in the preceding paragraph may be effected upon the signature release by either the lessor or the lessee when the application for transfer is accompanied by a statement of facts that the party signatory is the owner of the vehicle and entitled to transfer the same.

SEC. 2. Section 9727.2 is added to the Revenue and Taxation Code, to read:

9727.2. In lieu of obtaining and displaying the number plate or emblem upon a motor vehicle as required by Sections 9726 and 9727, an operator, whose only interest in a motor vehicle is that of a lessee under a lease, lease-sale or rental-

purchase agreement which grants possession of the vehicle to the operator as lessee or renter for a period of less than one year, may carry a true copy of the lease, lease-sale or rental-purchase agreement in the vehicle at all times when the motor vehicle is operated on the highway. As respects any trailer or semitrailer the copy of the agreement shall be carried in the towing unit. The copy of the lease, lease-sale or rental-purchase agreement shall upon request be displayed to any representative of the board or to any law enforcement officer.

CHAPTER 1722

An act to amend Section 6531 of, and to add Section 3123.1 to, the Streets and Highways Code, relating to assessments.

[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 3123.1 is added to the Streets and Highways Code, to read:

3123.1. The assessment lienholder shall be entitled to recover the cost of recordation of any such notice of pendency in any sale or foreclosure resulting from such delinquency and provision therefor shall be made in any notice, order or judgment authorizing or providing for such sale or foreclosure.

SEC. 2. Section 6531 of said code is amended to read:

6531. Redemption can be made only by the payment to the treasurer of the following, together with interest at the rate of 1 percent a month from the date of sale:

(a) The purchase money and costs.

(b) The moneys paid for taxes, street improvement assessments, or other taxes or statutory liens or to redeem the property from any sale in the collection or enforcement of any of the liens.

(c) The fee of the recorder for recording the certificate of sale and for filing the notice of pendency of sale or foreclosure pursuant to Part 3 (commencing with Section 3120) of Division 4.5.

CHAPTER 1723

An act to add Section 16605 to the Business and Professions Code, relating to distribution of publications.

[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 16605 is added to the Business and Professions Code, to read:

16605. Every person engaged in the business of distribution of books, magazines or publications of any kind to retail dealers shall remove from the possession of a retail dealer, within 10 days after notification by the dealer, any material which he delivered to the dealer which the dealer did not specifically request, if such dealer notifies such person that he does not want the material within 48 hours of receipt of the material.

Any person who refuses to transact business with a dealer because of any action taken by the dealer under this section is guilty of a misdemeanor.

As used in this section "person" includes a corporation, partnership or other association.

CHAPTER 1724

An act to add Chapter 5 (commencing with Section 30131) to Division 21 of the Education Code, relating to school support.

[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 5 (commencing with Section 30131) is added to Division 21 of the Education Code, to read:

CHAPTER 5. TRAINING AND RETRAINING PROGRAMS

30131. Any state agency, including but not limited to school districts, and any community organization organized pursuant to the Economic Opportunity Act of 1964 (P.L. 452, 88th Congress (78 Stat. 508)) or any other similar training or retraining program authorized by the federal or state governments, may enter into contracts with private business, trade and technical schools to provide training and retraining programs when such private business, trade and technical schools have facilities available to provide such training and retraining.

30132. Any state agency, including but not limited to local school districts, and any community organization organized pursuant to the Economic Opportunity Act of 1964 (P.L. 452, 88th Congress (78 Stat. 508)) or any other similar training or retraining program authorized by the federal or state governments, may use any federal, state, local, or private funds to provide training or retraining programs operated by private business, trade and technical schools.

CHAPTER 1725

An act to add Article 4 (commencing with Section 71682) to Chapter 3, Part 5, Division 20 of, and to add Section 71757 to, the Water Code, relating to municipal water 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. Article 4 (commencing with Section 71682) is added to Chapter 3, Part 5, Division 20, of the Water Code, to read:

Article 4. Water Replenishment Assessment

71682. The provisions of this article apply only to districts in which the producers of a majority of the production of ground water within the boundaries of the district are or will within one year from the enactment of this article be subject to a court judgment requiring the delivery of makeup water to downstream users.

71682.1. For the purpose of replenishing the ground water supplies within such district and to provide such makeup water, a district may cause assessments to be levied as provided in this article. Provided, that:

(a) This article shall not apply to a district 80 percent of the area of which is included within the boundaries of a water replenishment district organized pursuant to Division 18 (commencing with Section 60000) of this code or 80 percent of the area of which is included within the boundaries of any other special district of any kind or type having replenishment powers and the power to levy an assessment on the ground water extractions.

(b) This article shall cease to apply to a district as of the end of any water year during which 80 percent of the area thereof becomes included within the boundaries of such a water replenishment district or any such other special district denoted in subdivision (a) of this section.

71683 As used in this article:

"Include," except when used in relation to the inclusion of land into a district, does not necessarily exclude matters not enumerated.

"Person" means any public agency or public corporation, whether federal, state, or local, or any private corporation, firm, partnership, individual, or group of individuals and includes a district levying a water replenishment assessment hereunder.

"Water year" means the period commencing on October 1st of one calendar year and ending on September 30th of the calendar year immediately following.

"Fiscal year" means the period commencing on July 1st of one calendar year and ending on June 30th of the calendar year immediately following.

"Ground water" means nonsaline water beneath the surface of the ground, whether or not flowing through known and definite channels.

"Nonsaline water" means water which has less than 1,000 parts of chlorides to 1,000,000 parts of water.

"Production" or "producing" means the extraction or extracting of ground water, by pumping or any other method, from shafts, tunnels, wells (including, but not limited to, abandoned oil wells), excavations, or other sources of such ground water, for domestic, municipal, irrigation, industrial, or other beneficial use, except that such terms shall not mean or include the extraction or extracting of ground water incidentally produced with oil in the production of oil or gas nor the extraction or extracting of ground water incidentally produced in a bona fide mining operation or in the bona fide construction of a tunnel for railroad, highway, aqueduct, pipeline, or other useful purpose (except the production of ground water for use or sale) unless the ground water so extracted shall be used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose.

"Water-producing facility" means any device or method, mechanical or otherwise, for the production of ground water from the ground water supplies within the district.

"Owner" means the person or persons owning any water-producing facility or any interest therein other than a lien to secure the payment of a debt or other obligation.

"Operator" means the person or persons operating a water-producing facility; the owner thereof shall be conclusively presumed to be such operator unless satisfactory showing be made to the board of directors of the district that such water-producing facility actually is operated by some other person or persons. "Operator" shall mean any "person" mentioned in Section 71683 who is operating a water-producing facility, it being the purpose of this article to include any such person within the provisions hereof.

"Producer" means any person or operator producing ground water within the boundaries of the district.

"Annual overdraft" means the amount, as determined by the board, by which the quantity of ground water removed by any natural or artificial means from the ground water supplies within the district during the water year exceeds the quantity of nonsaline water replaced therein by the replenishment of such ground water supplies in such water year by any natural or artificial means other than replenishment under the provisions of this article or by any other governmental agency or entity

"Accumulated overdraft" means the aggregate amount, as determined from time to time by the board, by which the quantity of ground water removed by any natural or artificial

means from the ground water supplies within the district during all preceding water years shall have exceeded the quantity of nonsaline water replaced therein by the replenishment of such ground water supplies in such water years by any natural or artificial means, the respective determination to be based upon reports, records, and other data or evidence found by the board to be adequate for the purpose of making such determination.

"Makeup water" means water of useable quality for ground water recharge required to be delivered to downstream users pursuant to a court judgment.

71684. Proceeds raised by the water replenishment assessments hereunder may only be used for the purchase of water for replenishment of the ground waters of the district and for the purchase, in whole or in part, of makeup water requirements.

71685. Not later than the second Tuesday in February each year the board shall order an engineering survey and report to be made regarding the ground water supplies of the district. The same shall include, among all other information and data which the board may require, the following:

(a) Records, data and other information for the consideration of the board in its determination of the annual overdraft.

(b) Records, data and other information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year.

(c) A report, with supporting data, as to the total production of ground water from the ground water supplies within the district during the preceding water year.

(d) A report, with supporting data, as to the changes during the preceding water year in the ground water levels and pressure levels or piezometric heights of the ground water contained within pressure-level areas of the district, and as to the effects thereof upon the ground water supplies within the district.

(e) An estimate of the annual overdraft for the current water year and for the ensuing water year.

(f) An estimate of the accumulated overdraft as of the last day of the current water year.

(g) An estimate of the total production of ground water from the ground water supplies within the district for the current water year and for the ensuing water year.

(h) An estimate of the changes during the current water year in the ground water levels, pressure levels or piezometric heights of the ground water contained within pressure-level areas of the district, and of the effects thereof upon the ground water supplies and makeup water requirements of the district.

(i) An estimate of the quantity, source, and cost of water available for replenishment of the ground water supplies and meeting the makeup water requirements of the district during the ensuing water year under the provisions of Section 71687.

(j) Records, data, estimates and other information for the consideration of the board in its determination of the makeup water requirements for the preceding, current and ensuing water years.

71686. On or before the second Tuesday in March of each year, and provided the survey and report called for by Section 71685 has been made, the board, by resolution, shall declare whether funds shall be raised to purchase water for replenishment and makeup water for the next ensuing water year pursuant to this article and whether the replenishment assessment will benefit, directly or indirectly, all of the persons or real property and improvements within the district.

71686.1. If the board, by resolution, determines that the funds needed to purchase replenishment or makeup water shall be raised by the levy of a replenishment assessment, then the board shall immediately publish a notice that a public hearing will be held on the second Tuesday of April for the purpose of determining whether and to what extent the estimated cost of purchasing water for replenishment and makeup requirements for the ensuing water year shall be paid for by a replenishment assessment. Such notice shall contain a copy of the board's resolution, the time and place of the hearing, and an invitation to all interested parties to attend and be heard in support of or opposition to the proposed assessment, the engineering survey and report, and the board's determination, and shall invite inspection of the engineering survey and report upon which the board acted. The notice shall be published in each affected county pursuant to Section 6061 of the Government Code, at least 10 days before the hearing date.

71686.2. The hearing shall be held before the board and a quorum shall be present. The hearing may be adjourned from time to time by the president or presiding officer or hearing officer but shall be completed by the first Tuesday in May next following.

71686.3. The board may appoint a qualified registered engineer familiar with water problems as a hearing officer to conduct the hearing.

71686.4. All evidence relevant to the engineering survey and report and the board's determination that such a replenishment assessment shall be levied may be introduced.

71687. Upon completing the hearing, but no later than the second Tuesday in May, the board shall, by resolution, find:

(a) The annual overdraft for the preceding water year.

(b) The estimated annual overdraft for the current water year.

(c) The estimated annual overdraft for the ensuing water year.

(d) The accumulated overdraft as of the last day of the preceding water year.

(e) The estimated accumulated overdraft as of the last day of the current water year.

(f) The total production of ground water from the ground water supplies within the district during the preceding water year.

(g) The estimated total production of ground water from the ground water supplies within the district for the current water year.

(h) The estimated total production of ground water from the ground water supplies within the district for the ensuing water year.

(i) The changes during the preceding water year in the ground water levels, pressure levels or piezometric heights of the ground water contained within pressure-level areas of the district, and the effects thereof upon the ground water supplies and makeup water requirements of the district.

(j) The estimated changes during the current water year in the ground water levels, pressure levels or piezometric heights of the ground water contained within pressure-level areas of the district, and the estimated effects thereof upon the ground water supplies within the district.

(k) The quantity of water which should be purchased for the replenishment of the ground water supplies and makeup water requirements of the district during the ensuing water year.

(*l*) The source and estimated cost of water available for such replenishment and makeup water requirements.

(m) The estimated costs of replenishing such ground water supplies and meeting makeup water requirements of the district with such water so purchased.

(n) The estimated costs of purchasing, in water years succeeding the ensuing water year, that portion of the quantity of water which should be purchased for the replenishment of the ground water supplies and meeting the makeup water requirements of the district during the ensuing water year, but which is estimated to be unavailable for purchase during said ensuing water year; the estimated costs shall be based on the estimated price of water for replenishment and makeup purposes during the ensuing water year.

(o) The estimated rate of the replenishment assessment required to be levied upon the production of ground water from the ground water supplies within the district during the ensuing fiscal year for the purposes of accomplishing such replenishment makeup water requirements and providing a reserve fund to purchase in future years, when available, that portion of the quantity of water which should be purchased for the replenishment of the ground water supplies and meeting the makeup water requirements of the district during the ensuing water year, but which is estimated to be unavailable for purchase during such ensuing water year.

(p) That persons extracting in the aggregate in excess of 50 percent of the water which would be subject to the water replenishment assessment, based upon production during the preceding fiscal year, have not filed their written objections

to a proposed water replenishment assessment for the next succeeding fiscal year.

Without the specific finding required by this subdivision (p), no further steps shall be taken to establish such water replenishment assessment for the next succeeding fiscal year.

71687.1. Based on such findings the board shall, by resolution, determine what portion, if any, of the estimated cost of purchasing water for replenishment and makeup for the ensuing fiscal year shall be paid for by a replenishment assessment, and what portion, not exceeding 25 percent of the said portion, of the estimated cost of purchasing in the future that quantity of water which should be purchased during the ensuing water year, but which is estimated to be unavailable during that year, should be raised by a replenishment assessment.

71687.2. If the board determines that a replenishment assessment should be levied upon the production of ground water from ground water supplies within the district during the ensuing fiscal year, then immediately following the making of such determination the board shall levy a replenishment assessment on the production of ground water from the ground water supplies within the district during the fiscal year commencing on July 1st next, and such replenishment assessment shall be fixed by the board at a uniform rate per acre-foot of ground water so produced. The producers of such ground water shall pay such replenishment assessment to the district at the times and in the manner hereinafter in this article provided.

71688. The district, after the levying of the replenishment assessment, shall give notice thereof to the operators of all water-producing facilities in the district as disclosed by the records of such district, which notice shall state the rate of replenishment assessment for each acre-foot of ground water to be produced during the ensuing fiscal year. The notice may be sent by postal card or by other first-class mail with postage prepaid by the district.

71688.1. The operator of each water-producing facility within the district, on or before the last day of the month immediately following the respective quarterly periods ending March 31st, June 30th, September 30th, and December 31st of each year, shall file with the district a sworn statement setting forth the total production in acre-feet of ground water from such water-producing facility during the respective quarterly periods immediately preceding the filing of the respective statements, a general description or number locating such water-producing facility, and the method or basis of the computation of such ground water production. Each statement also shall contain such other information as the district may require.

If the board by its resolution determines that additional reports or statements are necessary or useful to carry out the purposes of this article and to administer the replenishment of the ground water supplies and meet the makeup water re-

quirements of the district, then the board shall by its resolution so declare and shall give notice of the adoption of the resolution by immediately publishing the same in each affected county pursuant to Section 6061 of the Government Code. Effective 30 days after such publication, the operator of each water-producing facility in such district shall file with the district the report or statement required by such resolution, at such times and in such manner and form as are provided in such resolution.

71688.2. Any replenishment assessment levied pursuant to this article shall be due and payable to the district by each producer in quarterly installments on the last day for filing the statement of the production of ground water from the water-producing facility operated by such producer during the quarterly period required to be covered by such statement. The amount so due and payable shall be computed by multiplying the production in acre-feet of ground water so produced from such water-producing facility, as reported in such statement, by the rate of the replenishment assessment fixed and levied by the board for the fiscal year in which such production shall occur.

71688.3. The board shall authorize, and the district shall make, refunds in whole or in part of replenishment assessments theretofore paid, to any producer who has erroneously overstated his production of ground water in any sworn statement for a quarterly period required under the provisions of Section 71688.1, and who has overpaid his replenishment assessment for that quarter, but only upon compliance by the producer with the procedure hereinafter set forth and within the time hereinafter provided.

Any such producer, within one year of the last day for filing of the said sworn statement for the quarterly period in question, may file a verified application with the district on a form to be furnished by the district, containing such information as the district may require, requesting a refund of that portion of any replenishment assessment claimed to have been paid by reason of that producer's erroneous overstatement of ground water production. If incomplete information is contained in said application, or if the board desires other or further information than called for by that application, the same shall also be furnished by a verified statement within 30 days of mailing of written notice of request therefor to the producer at his address as shown by the district's records, or the application shall be deemed abandoned. Such request by the board shall not cause any application otherwise timely filed to be considered as not filed within said one-year period. The board may authorize, and the district may pay, any refund claimed without a hearing thereon, but no application shall be denied in whole or in part without a hearing being accorded to the applicant in which he shall have the burden of proof. Any determination by the board on any matter in connection with

said application shall be final and conclusive upon the producer.

Any refund authorized to be paid under the provisions of this section may be paid only out of moneys realized from replenishment assessments levied pursuant to Section 71687.2, then or thereafter raised. Upon election of the producer, any refund determined by the board to be owing may be credited to the producer against any subsequent replenishment assessments which might become due and owing from him. No refunds shall be made except as authorized by this section.

71689. If any producer shall knowingly fail to pay a replenishment assessment within 30 days of when due, such producer shall become liable to the district for interest at the rate of 1 percent per month on the delinquent amount of the assessment.

71689.1. Should any operator of a water-producing facility knowingly fail to register his water-producing facility or knowingly fail to file the ground water production statement, or knowingly fail to file and furnish any other reports or statements required by resolution of the board adopted pursuant to Section 71688.1, he shall, in addition to interest as provided in Section 71689, become liable to the district for a penalty of one hundred fifty dollars ($150).

71689.2. The board, at the time of fixing the replenishment assessment rate, may provide by resolution that any producer operating a water-producing facility having a discharge opening not greater than two inches in diameter and providing ground water for domestic or irrigation uses on an area not exceeding one acre in extent, shall pay the amount fixed in such resolution as the replenishment assessment to be paid by such producer. No sworn statement as to the production of ground water from such water-producing facility need be filed.

71689.3. The superior court of the principal county may issue a temporary restraining order upon the filing by the district with the court of a verified petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district or that such defendant is delinquent in the payment of a replenishment assessment. Such temporary restraining order shall be returnable to the court on or before 10 days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established by the preponderance of the evidence at a hearing that the defendant has failed to register such water-producing facility with the district or that the defendant is delinquent in the payment of a replenishment assessment. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register

the water-producing facility or to pay the delinquent replenishment assessment.

Service of process shall be made by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which such water-producing facility is located and by personal service of such summons and complaint upon the named defendant.

The right to proceed for injunctive relief as provided herein shall be in addition to any other right which may be provided elsewhere in this act or which may be otherwise allowed by law. The procedure provided in Part 2, Title 7, Chapter 3 (commencing with Section 525) of the Code of Civil Procedure regarding injunctions shall be followed except insofar as it may be otherwise provided herein. The district shall not be required to furnish an undertaking or bond as a condition to the granting of injunctive relief.

71689.4. If the board shall have probable cause to believe that the production of ground water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering a water-producing facility, the board may cause an investigation and report to be made concerning the production of ground water from such water-producing facility. The board may fix the amount of ground water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and the burden is upon the district to establish to the contrary.

After such determination has been made by the board, a written notice thereof shall be mailed to the operator of such water-producing facility at his address as shown by the district's records. Any such determination made by the district shall be conclusive on the operator, and on any producer producing water from such water-producing facility, and the replenishment assessment based thereon, together with interest and penalties, shall be payable forthwith, unless such operator or producer shall file with the board of directors of the district within 10 days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed or the replenishment assessment, interest, and penalties so levied thereon. Upon the filing of such protest, the board shall hold a hearing at which time the total amount of the ground water production and the replenishment assessment thereon shall be determined, and the interest and penalties fixed, which action shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant. The producer shall have 20 days

from the date of mailing of such notice to pay the replenishment assessment, interest and penalties so fixed by the board.

71689.5. The district may bring a suit in the court having jurisdiction against any producer of ground water from the ground water supplies within the district for the collection of any delinquent replenishment assessment, interest, or penalties. The court having jurisdiction of the suit may, in addition to any judgment, award interest and costs on any judgment as allowed by law. Should the district seek an attachment against the property of any named defendant therein, the district shall not be required to furnish bond or other undertaking as provided in Part 2, Title 7, Chapter 4 (commencing with Section 537) of the Code of Civil Procedure.

71689.6. It shall be unlawful to produce ground water from any water-producing facility within any district from and after one year following the adoption of the resolution provided for in Section 71686 hereof, unless such water-producing facility shall have a water-measuring device affixed thereto capable of registering the accumulated amount of ground water produced therefrom.

The board by resolution may extend such date on a year-to-year basis upon its determination that availability, price of water-measuring devices, or other circumstances justify such extension Should the date be extended, notice thereof shall be published in the district pursuant to Section 6066 of the Government Code, such publication to be completed not less than two months prior to the date so extended.

This section shall not be applicable to any operator of a water-producing facility having a discharge opening two inches or less in diameter and providing ground water for domestic or irrigation uses on an area not exceeding one acre in extent, who is required to pay a replenishment assessment in an amount fixed by resolution of the board of the district as hereinabove in this part provided.

Violation of this section shall be punishable by a fine not to exceed five hundred dollars ($500), or by imprisonment in the county jail for not to exceed six (6) months, or by both such fine and imprisonment. Each day of operation of a water-producing facility in violation hereof shall constitute a separate offense.

71689.7. Following a final adjudication of all or substantially all of the rights to extract ground water and a determination of the natural safe yield of the ground water supplies within the district, and a determination of the amount or extent to which the rights to extract ground water so adjudicated may be exercised without exceeding the natural safe yield of such ground water supplies, the board shall recognize such judicial determination by exempting from replenishment assessments the amount of water pumped by each person whose rights have been so adjudicated which does not exceed his proportionate share of the natural safe yield of the ground water supplies of the district, as so adjudicated from time to time by

the court having jurisdiction over such adjudication proceeding. The replenishment assessment shall thenceforth be levied on each producer by multiplying the production in acre-feet of ground water so produced by such producer's water-producing facility in excess of his said adjudicated share of the natural safe yield by the rate of the replenishment assessment fixed and levied by the board for the fiscal year in which such production shall occur.

71689.8. To the extent that the replenishment assessment after adjudication hereunder shifts from all producers to those who extract water in excess of their respective shares of the natural safe yield of the ground water supplies within the district as so adjudicated, such replenishment assessment shall be deemed to benefit those persons who continue to pump and extract ground water in excess of their adjudicated shares of the natural safe yield. Inasmuch as such persons must buy supplemental water or be in contempt of the court's order limiting their extraction of ground water, they shall be deemed to benefit by the payment of a replenishment assessment which is used to purchase water to supplement the natural supplies of ground water available for use.

71689.9. To the extent that ground water supplies are replenished under this article no person shall acquire any property or other right in the waters provided by the district for replenishment purposes.

SEC. 2. Section 71757 is added to said code, to read:

71757. To carry out the purposes of this division, a district shall have the power to commence, maintain, intervene in, defend and compromise, in the name of the district, or as a class representative of the inhabitants, property owners, taxpayers, water producers or water users within the district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to determine or adjudicate all or substantially all of the water rights of a basin or other hydrologic unit overlain, in whole or in part, by the district, as between owners of or claimants to such rights, to prevent any interference with water or water rights used or useful to the lands, inhabitants, owners, operators, or producers within the district, or to prevent the diminution of the quantity or quality of the water supply of the district or such basin, or to prevent unlawful exportation of water from the district or such basin.

CHAPTER 1726

An act to amend the second Section 6 of Chapter 1983 of the Statutes of 1963, relating to vocational educational classes.

[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 second Section 6 of Chapter 1983 of the Statutes of 1963 is amended to read:

Sec. 6. Sections 5 and 6 shall become operative on the 91st day after final adjournment of the 1963 Regular Session.

CHAPTER 1727

An act to amend Sections 7068.2 and 7076 of 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 7068.2 of the Business and Professions Code is amended to read:

7068.2. If the individual qualifying for the license is a responsible managing officer or responsible managing employee and ceases for any reason whatsoever to be connected with the individual or firm to whom the license is issued, the licensee and the responsible managing officer or responsible managing employee qualifying for such license shall notify the registrar in writing within 30 days from such cessation. If a notice is given the license shall remain in force for a reasonable length of time to be determined by rules of the board.

If the licensee or his responsible managing officer or responsible managing employee qualifying for the license fails to notify the registrar in writing within the 30-day period, at the end of the period the license shall be automatically suspended. The license shall be reinstated upon the filing of an application, executed by the licensee or a member of the licentiate firm and filed with the registrar, designating another individual to qualify as required by this chapter on behalf of the licensee. The application shall state that the individual qualifying has not had his license suspended or revoked or that he has not been connected with a licensee who has had a license suspended or revoked for reasons that would preclude such individual from personally qualifying as to the good character required of an applicant.

SEC. 2. Section 7076 of said code is amended to read:

7076. In case of the death of a partner, the surviving partner or partners of a licensed copartnership shall be entitled to continue in business under such license for a reasonable length of time to be determined by rules of the board, provided application for permission is made to the registrar within 30 days after death of the partner, and such application is approved by the registrar.

In case of the death of a person licensed as an individual, a member of the immediate family of the deceased licensee shall be entitled to continue the business under the same license for a reasonable length of time to be determined by rules of the board, provided application for permission is made to the registrar within 30 days after the death of the licensee and such application is approved by the registrar.

A license so extended under Sections 7068.2 and 7076 is subject to all other provisions of this chapter

---

CHAPTER 1728

An act to amend Sections 1320 and 1322 of the Insurance Code, relating to reciprocals or interinsurance exchanges.

[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 1320 of the Insurance Code is amended to read:

1320. The attorney of every admitted reciprocal or interinsurance exchange shall verify and cause to be filed with the commissioner copies of the following forms used by the exchange:

(a) The form of every amendment to, revision of, or substitution for the power of attorney in use at the time of admission.

(b) The form of each application for insurance and the form of each contract for exchange of indemnity which would have to be filed with or approved by the commissioner if such insurer were a capital stock insurer, including where applicable the rates to be used therewith.

(c) Every amendment, revision or replacement of forms described in subdivision (b).

(d) Such other specific forms of applications for insurance or specific contracts for exchange of indemnity as the commissioner may from time to time by written order require be filed.

The commissioner may disapprove of any form filed in accordance with this section if:

(1) It be contrary to law, or

(2) He finds it contains any material which is unintelligible, uncertain, unfair, ambiguous, or obtuse, or likely to mislead a person to whom the form is offered, delivered, or issued.

The procedure for such disapproval shall be that specified in Section 12957 for withdrawal of approval of previously approved forms of other insurers.

It shall be unlawful for such insurer to use any such form after such disapproval has become final.

SEC. 2. Section 1322 of said code is amended to read:

1322. The attorney prior to admission shall file with the commissioner a declaration verified by his oath or, where such attorney is a corporation, by the oath of its duly authorized officers. Such declaration shall set forth or have annexed thereto:

(a) The name of the attorney and the name under which contracts are to be made.

(b) The location of the principal office of the exchange.

(c) The classes of insurance to be exchanged.

(d) A copy of each form of policy under or by which insurance is to be exchanged.

(e) A copy of the form of the power of attorney or agreement under and by which such insurance is to be exchanged.

(f) A statement that executed contracts or bona fide applications, to be concurrently effective, have been made for the exchange of indemnities by at least 100 separate subscribers.

(g) In the case of employer's liability or workmen's compensation insurance, a statement that there have been executed contracts or bona fide applications, to be concurrently effective, representing annual payroll having a total of not less than one million dollars ($1,000,000).

(h) A statement that there are in the possession of such attorney subject to the supervision of the advisory board, assets conforming to the requirements of Article 5 of this chapter.

(i) A financial statement under oath in the form prescribed by the commissioner for the annual statement.

(j) The instrument authorizing service of process as provided in this chapter.

(k) A certificate showing any deposits of funds or securities.

SEC. 3. The revenues derived from the fees for the filing of documents required by this act shall not be available for expenditure until appropriated.

CHAPTER 1729

An act to add Article 6 5 (commencing with Section 405) to Chapter 2, Part 1, Division 1 of the Health and Safety Code, relating to accidental injury study and 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. Article 6 5 (commencing with Section 405) is added to Chapter 2, Part 1, Division 1 of the Health and Safety Code, to read:

Article 6.5. Accidental Injury Study and Control

405. The State Department of Public Health may maintain a program of accidental injury study and control, including but not limited to, all of the following:

(a) The conduct of studies to determine the health and human components of accidental injury.

(b) The study of factors associated with prompt and efficient emergency treatment of accidental injuries.

(c) The study of human and environmental factors in the occurrence of accidental injury.

(d) The development of control programs to reduce the frequency and severity of accidental injuries resulting from health and other human factors, either alone or in combination with environmental factors.

(e) Consultation with and assistance to local health departments and other agencies in the development and maintenance of programs for the prevention and control of accidental injuries.

405.1. The state department may enter into agreements with any public or private organization, agency, or individual to carry out its duties and responsibilities with respect to accidental injury study and control. In any situation where these activities may duplicate or overlap the activities of another state department or agency, the department shall confer with that department or agency in order to avoid duplication.

CHAPTER 1730

An act to amend Section 1511 of the Civil Code, relating to excuse of performance of contracts.

[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 1511 of the Civil Code is amended to read:

1511. The want of performance of an obligation, or of an offer of performance, in whole or in part, or any delay therein, is excused by the following causes, to the extent to which they operate:

1 When such performance or offer is prevented or delayed by the act of the creditor, or by the operation of law, even though there may have been a stipulation that this shall not be an excuse; however, the parties may expressly require in a contract that the party relying on the provisions of this paragraph give written notice to the other party or parties, within a reasonable time after the occurrence of the event excusing performance, of an intention to claim an extension of time or of an intention to bring suit or of any other similar or related intent, provided the requirement of such notice is reasonable and just;

2. When it is prevented or delayed by an irresistible, superhuman cause, or by the act of public enemies of this state or of the United States, unless the parties have expressly agreed to the contrary; or,

3. When the debtor is induced not to make it, by any act of the creditor intended or naturally tending to have that effect, done at or before the time at which such performance or offer may be made, and not rescinded before that time.

CHAPTER 1731

An act to amend Section 28119 of the Government Code, relating to compensation for public service in counties.

[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 28119 of the Government Code is amended to read:

28119 In a county of the 19th 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, eighteen thousand dollars ($18,000) a year, and he shall not engage in private practice.

(c) Each supervisor, seven thousand eight hundred dollars ($7,800) a year and mileage at the rate of ten cents ($0.10) for each mile traveled to and from the meetings of the board. Only one mileage at any one session of the board shall be allowed. The county may furnish automobiles to the supervisors for use on any trips taken in performance of their official duties for which mileage would otherwise be allowed. All expenses for fuel, oil, supplies, upkeep, and maintenance of the automobiles shall be paid from county funds. The use of automobiles is in lieu of any other mileage.

(d) Grand jurors shall receive five dollars ($5) for each day's attendance and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance. Grand jurors and trial jurors in the superior court shall receive ten cents ($0.10) for each mile from their residences to the county seat, to be allowed for each day the jurors are required to and do attend. For attending as a member of a committee of the grand jury, for each day's attendance on the committee, five dollars ($5) and mileage at the rate of ten cents ($0.10) a mile. The court shall make an order directing the auditor to draw his warrant on the county treasury for the amounts due, and the auditor, unless otherwise specifically ordered, shall draw warrants on the 1st and 15th days of each month, and the treasurer shall pay the warrants.

CHAPTER 1732

An act to add Section 1424 to the Health and Safety Code, relating to licensing by state agencies.

[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 1424 is added to the Health and Safety Code, to read:

1424. The Departments of Social Welfare, Mental Hygiene, Rehabilitation, and Public Health may enter into an agreement under the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, whereunder any such department may administer all or any portion of the licensing functions of any or all of the other departments.

CHAPTER 1733

An act to amend Section 17297 of the Revenue and Taxation Code, relating to personal income taxes.

[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 17297 of the Revenue and Taxation Code is amended to read:

17297. In computing taxable income, no deductions shall be allowed to any taxpayer on any of his gross income directly derived from illegal activities as defined in Chapters 9, 10 or 10.5 of Title 9 of Part 1 of the Penal Code of California; nor shall any deductions be allowed to any taxpayer on any of his gross income derived from any other activities which directly tend to promote or to further, or are directly connected or associated with, such illegal activities.

CHAPTER 1734

An act to amend Section 1007 of the Public Utilities Code, relating to public utility certificates.

[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 1007 of the Public Utilities Code is amended to read:

1007. No corporation or person shall begin to operate or cause to be operated any vessel for the transportation of persons or property, for compensation, between points in this state, without first having obtained from the commission a certificate declaring that public convenience and necessity require such operation, but no such certificate shall be required as to termini between which any such corporation or person is lawfully operating vessels in good faith under this part as it existed prior to August 17, 1923, under tariffs and schedules of such corporations or persons, lawfully on file with the commission. Every applicant for such a certificate shall file in the office of the commission application and evidence in the form required by the commission. The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the partial exercise only of the privilege sought, or issue it for operation between certain points only, and 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.

CHAPTER 1735

An act to add Section 943.4 to the Streets and Highways Code, relating to county highways.

[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 943.4 is added to the Streets and Highways code, to read:

943.4. Whenever real property is sought to be taken for the purpose of county highway widening which is devoted to or held for some other public use by a person or public agency that has the power of eminent domain, the county may, with the consent of the person or public agency, condemn in the name of the county the real property to be exchanged with such person or public agency for the real property so to be taken for county highway purposes. This section does not limit the authorization of the county to acquire, other than by condemnation, property for such purposes.

CHAPTER 1736

An act to amend Sections 4.4 and 9 of the Sacramento County Water Agency Act (Chapter 10, Statutes 1952, First Extraordinary Session), relating to the Sacramento County Water Agency.

[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 4.4 of the Sacramento County Water Agency Act (Chapter 10, Statutes 1952, First Extraordinary Session) is amended to read:

Sec. 4.4. The agency shall have the power to adopt and carry out any definite plan or system for accomplishing, facilitating or financing all work which may lawfully be accomplished by the agency and to enforce said plan or system by resolution or ordinance.

The agency shall have the power (1) 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, storm, or drainage system constructed or to be constructed in a zone of the agency, and (2) whenever a drainage or flood control problem is referred to the agency by the County of Sacramento, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary or convenient for the needs of any zone, including but not limited to residential, subdivision, commercial and industrial drainage and flood control needs. The agency may make reimbursement agreements pursuant to which the agency may provide for owners or developers of property to install such improvements and for reimbursement of that part of the cost of such improvements in excess of any fees required with respect to the property of the owner or developer. The county and cities therein are hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the agency for solution. Revenues derived under this section shall be used (1) to acquire, construct, reconstruct, maintain and operate any of the flood control, storm water, or drainage facilities within the zone collecting the revenue, (2) to comply with any reimbursement agreement made for the acquisition, construction or reconstruction of any such facilities, (3) to reduce the principal or interest of any bonded indebtedness thereof, or (4) to replace funds expended on behalf of said zone derived from the funds created under the authority of subdivision 1 of Section 10.5 hereof.

The provisions of this section shall not apply to the financing, construction, acquisition, reconstruction, maintenance, operation, extending, repair or other improvement to any work or improvement designed or intended primarily for the

production, conservation, transmittal, distribution and sale of ground and surface waters for the present or future beneficial use or uses of the lands or inhabitants within the agency or any zone thereof created for such purpose.

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

Sec. 9. The agency shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year the anticipated revenue for the current year in which the indebtedness is incurred or of the ensuing year thereafter, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable; provided, that 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 nor to the incurring of any indebtedness or liability authorized by a vote of the electors at an election held for such purpose, nor to any reimbursement agreement made pursuant to Section 4 4.

CHAPTER 1737

An act authorizing the sale to the Peralta Junior College District of certain salt marsh, tide and submerged lands previously granted in trust to the City of Oakland.

[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 following salt marsh, tide and submerged lands granted in trust to the City of Oakland by Chapter 390, Statutes of 1909, and Chapter 654, Statutes of 1911, may be transferred, sold and conveyed by the city to the Peralta Junior College District, for the construction, maintenance, development and operation of a junior college; provided, that the transfer, sale and conveyance to the district shall be subject to the trust for navigation, commerce and fisheries; provided, further, that the city or the district shall maintain a channel for the flow of water between Lake Merritt and the Estuary of San Antonio; and provided, further, that any compensation received by the city for such lands shall be used for purposes of general statewide interest. A grant deed or quitclaim deed shall be sufficient to convey title of such lands to the district from the city.

The lands which may be so transferred, sold, and conveyed are all those portions of salt marsh tide and submerged lands granted to the City of Oakland by Chapter 390, Statutes 1909, and by Chapter 654, Statutes 1911, bounded on the northeast by the southwestern lines of 10th Street and/or East 10th Street, as said streets now exist, and on the southwest by the

northern line of the Southern Pacific Company's mainline right-of-way.

SEC. 2. Notwithstanding any other provision of this act, there is hereby excepted and reserved to the state all deposits and minerals, including oil and gas, in the lands designated in Section 1, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands.

SEC. 3. The district, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the district, or its successors, may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases. Such lease or leases may be for any and all purposes which shall not interfere with commerce and navigation.

SEC. 4. Within 10 years from the effective date of this act, the lands shall be substantially improved by the district without expense to the state, and if the State Lands Commission determines that the district has failed to improve the lands as herein required, all right, title, and interest of the district in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the district, nor by the district of any funds received for such purpose from the state or any board, agency or commission thereof.

SEC. 5. In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the district or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

SEC. 6. The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

SEC. 7. There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose.

SEC. 8. The state may at any time in the future use the lands or any portion thereof for highway purposes without compensation to the district, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state

for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

SEC. 9. The State Lands Commission shall, at the cost of the district, survey and monument the lands and record a description and plat thereof in the office of the County Recorder of Alameda County.

SEC. 10. The district shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the lands or any improvements, betterments or structures thereon.

CHAPTER 1738

An act to amend Section 11590 of the Business and Professions Code, relating to subdivision maps.

[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 11590 of the Business and Professions Code is amended to read:

11590. In event of dedication, there is required a certificate, signed and acknowledged by those parties having any record title interest in the land subdivided, offering certain parcels of land for dedication for certain specified public uses, subject to such reservations as may be contained in any such offer.

An offer of dedication for street or highway purposes may include a waiver of direct access rights to any such street or highway from any property shown on the final map as abutting thereon, and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions. Such waivers of access rights may be required by local authorities as a condition precedent to the approval of any final map.

The certificate may state that any certain parcel or parcels are not offered for dedications. However, a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown thereon and intended for any public use shall be offered for dedication for public use except those parcels intended for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants. In the event the streets or any of them shown on a subdivision map are not offered for dedication the certificate may contain a statement to this effect. If such statement appears on the map, and if the map is approved by the local governing body, the use of any such street or streets by the public shall be permissive only.

An offer of dedication of land for street, highway or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such land unless and only to the extent an intent to dedicate such facilities is expressly stated in the certificate. This paragraph is declaratory of the intent of existing law

---

CHAPTER 1739

An act to add Article 10.5 (commencing with Section 24361) to Chapter 2.5 of Division 20 of the Health and Safety Code, relating to the Bay Area Air Pollution Control 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. Article 10.5 (commencing with Section 24361) is added to Chapter 2.5 of Division 20 of the Health and Safety Code, to read:

Article 10.5. Misdemeanors

24361. It shall be unlawful for any person, firm, corporation, association, or public agency to ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire within the district, except as provided in this article.

24361.1. "Open outdoor fire," as used in this article, means any combustion of combustible material of any type outdoors, in the open, not in any enclosure, where the products of combustion are not directed through a flue. "Flue," as used in this article, means any duct or passage for air, gases or the like, such as a stack or chimney.

24361.2. The following fires are excepted from the provisions of this article:

(a) Fires used only for cooking of food for human beings or for recreational purposes.

(b) Any fire set or permitted by any public officer, in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, including the disposal of dangerous materials where there is no safe alternate method of disposal, or in the instruction of public employees in the methods of fighting fires.

(c) Fires set by or permitted by the county agricultural commissioner of the county for the purpose of disease and pest prevention.

(d) The board may make additional exceptions and may amend or revoke such exceptions to this article by general order, rule, or regulation adopted pursuant to this chapter.

24361.3. Nothing in this article is intended to permit any practice which is a violation of any statute, ordinance, rule, or regulation.

24361.4. Nothing in this article limits in any way the power of the board to make needful orders, rules, and regulations pursuant to other provisions of this chapter. Nothing in this article permits any action contrary to any such order, rule, or regulation.

24361.5. Any violation of the provisions of this article is declared to be a misdemeanor and shall be punishable by a fine of not more than five hundred dollars ($500) or by imprisonment not exceeding six months or both such fine and imprisonment.

CHAPTER 1740

An act to add Section 18746.5 to the Business and Professions Code, relating to referees and other boxing officials.

[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 18746.5 is added to the Business and Professions Code, to read:

18746.5. Referees and other boxing officials appointed or approved by the commission and while performing duties required by this chapter or by the commission, shall be entitled to the same rights and immunities granted to public employees by the provisions of Article 3 (commencing with Section 820), Part 2, Division 3.6, Title 1, of the Government Code. The provisions of this section shall not be construed to affect, create or destroy any rights or obligations of any public or private employer of a referee or other boxing official.

CHAPTER 1741

An act to amend Section 1005 of the Education Code, relating to 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 1005 of the Education Code is amended to read:

1005. The governing board of any school district having more than one school may appoint an advisory committee of not more than five members from each school to advise the

governing board concerning the needs of that school. The members of such advisory committees shall serve at the pleasure of the governing board.

CHAPTER 1742

An act to add Section 13253.1 to the Education Code, relating to employment in 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 13253.1 is added to the Education Code, to read:

13253.1. Notwithstanding any provision of law to the contrary, on and after the effective date of this section the governing board of a school district may employ an individual in any administrative or supervisory position, irrespective of whether or not such individual holds any supervisory or administrative credential; provided the individual so employed meets all of the following criteria:

(1) He holds a valid teaching credential;

(2) He has completed fifteen (15) years service as a teacher, as defined in Section 17200, in the public schools of California, including ten (10) years of teaching service in the employ of the district which appoints him to an administrative or supervisory position; and

(3) The last ten (10) years of service immediately preceding his appointment to an administrative or supervisory position were as a teacher of an academic subject, as defined in Section 13188.

CHAPTER 1743

An act to add Section 26608.2 to the Government Code, relating to county officers.

[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 26608.2 is added to the Government Code, to read:

26608.2. Whenever a county or city and county owns land in another county, it may request the sheriff of that county to deputize its officers or employees as deputy sheriffs so that they may perform police duties solely upon said land. The sheriff may appoint such deputies.

CHAPTER 1744

An act conveying in trust certain tidelands and submerged lands located in San Diego Bay to the San Diego Unified Port District in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof, and reserving certain rights to the state.

[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. There is hereby granted and conveyed in trust to the San Diego Unified Port District (hereinafter referred to as the "district) in the County of San Diego, State of California, all the right, title and interest of the State of California (hereinafter referred to as the "state"), except as hereinafter reserved and upon the conditions specified herein, held by the state by virtue of its sovereignty in and to all of those certain tidelands and submerged lands in and underlying San Diego Bay, whether filled or unfilled, which are described as follows and referred to herein as the "granted lands":

That portion of the tidelands and submerged lands in the Cities of Coronado, Chula Vista, National City, and San Diego, within the County of San Diego, State of California, described as follows:

Parcel No. 1

Beginning at the intersection of the southerly city limit line of the City of Chula Vista with the Mean High Tide Line, as said Mean High Tide Line is shown on Miscellaneous Map Number 79, on file in the Recorder's Office of the County of San Diego, said point being the true point or place of beginning of Parcel No. 1; thence along the said Mean High Tide Line the following courses and distances:

South 8° 19′ west a distance of 1109 80 feet; thence
South 16° 16′ east a distance of 200 feet; thence
South 5° 40′ west a distance of 300 feet; thence
South 16° 37′ east a distance of 800 feet; thence
South 2° 33′ west a distance of 600 feet; thence
North 85° 44′ west a distance of 300 feet; thence
South 60° west a distance of 770 feet; thence
South 81° west a distance of 530 feet; thence
South 43° west a distance of 1170 feet; thence
South 5° 11′ west a distance of 1740 feet; thence
South 57° west a distance of 850 feet; thence
South 24° east a distance of 200 feet; thence
South 60° west a distance of 1000 feet; thence
South 90° west a distance of 730 feet; thence
North 70° west a distance of 1300 feet; thence
North 51° 26′ west a distance of 1275.3 feet;

Thence, leaving the Mean High Tide Line per Miscellaneous Map No. 79 and continuing along the Mean High Tide Line as shown on Miscellaneous Map No. 149 on file in the Recorder's Office of the County of San Diego; thence

North 51° 23′ west a distance of 287 29 feet; thence

South 67° 16′ west a distance of 55.6 feet; thence

North 43° 13′ west a distance of 81.1 feet;

Thence, leaving the said Mean High Tide Line as shown on Miscellaneous Map No. 149, and continuing to the closest station on the Mean High Water Line of San Diego Bay as said Mean High Water Line was established by the U.S. Engineering Department in October of 1941, and described in Book 1594, page 87, O.R. on file in the Recorder's Office of the County of San Diego; thence along said Mean High Water Line to a point on the westerly prolongation of a proposed combined U.S. Bulkhead-Pierhead Line between existing U.S. Pierhead Line Stations 493 and 491, as said U.S. Pierhead Line was established for the Bay of San Diego; thence along said westerly prolongation north 80° 19′ 00″ east to said U.S. Pierhead Line Station 493; thence along said proposed combined U.S. Bulkhead-Pierhead line north 80° 19′ 00″ east, to an intersection with the westerly line of the 1961 grant to the City of Chula Vista by the State of California per Chapter 328, Statutes of 1961, Map No. A-221, dated March 29, 1962; said grant subsequently conveyed to the San Diego Port District; then southerly along said grant line to the southwesterly corner of said grant: thence easterly along to the southerly line of the said grant, and along the southerly city limit line of the City of Chula Vista to the true point or place of beginning of Parcel No. 1, containing approximately 804 acres of Tideland area.

Parcel No. 2

Beginning at the intersection of the Mean High Tide Line of the Bay of San Diego as said Mean High Tide Line is shown on Miscellaneous Map No. 215, on file in the Recorder's Office of the County of San Diego, and the northerly boundary line of the U S. Naval Radio Station R, formerly known as Fort Emory; said point being the true point or place of beginning; thence along the said Mean High Tide Line the following courses and distances:

First north 50° 23′ 03″ west a distance of 18.30 feet; thence

North 22° 54′ 03″ west a distance of 216.33 feet; thence

North 15° 43′ 03″ west a distance of 291.85 feet; thence

North 7° 42′ 03″ west a distance of 80.90 feet; thence

North 29° 24′ 03″ west a distance of 61.40 feet; thence

North 9° 52′ 03″ west a distance of 90.10 feet; thence

North 3° 08′ 03″ west a distance of 120.10 feet; thence

North 1° 35′ 57″ east a distance of 529.90 feet; thence

North 12° 23′ 57″ east a distance of 394.20 feet; thence

North 15° 28′ 03″ west a distance of 130.90 feet; thence

North 14° 07′ 57″ east a distance of 104.30 feet; thence

North 34° 32′ 57″ east a distance of 10.65 feet; thence

North 34° 32′ 57″ east a distance of 105.05 feet; thence
North 3° 53′ 57″ east a distance of 163.00 feet; thence
North 31° 44′ 57″ east a distance of 87.60 feet; thence
North 46° 52′ 57″ east a distance of 110.90 feet; thence
North 88° 42′ 57″ east a distance of 83.10 feet; thence
North 46° 07′ 57″ east a distance of 250.80 feet; thence
North 39° 36′ 57″ east a distance of 117.50 feet; thence
North 45° 42′ 57″ east a distance of 155.10 feet; thence
North 41° 07′ 57″ east a distance of 261.50 feet; thence
North 46° 34′ 57″ east a distance of 236.10 feet; thence
North 52° 41′ 57″ east a distance of 167.40 feet; thence
North 40° 28′ 57″ east a distance of 396.00 feet; thence
North 2° 41′ 03″ west a distance of 172.20 feet; thence
North 30° 18′ 03″ west a distance of 99.90 feet; thence
North 41° 04′ 03″ west a distance of 100.20 feet; thence
North 3° 53′ 03″ west a distance of 141.00 feet; thence
North 67° 03′ 03″ west a distance of 174.60 feet; thence
North 63° 19′ 03″ west a distance of 130.70 feet; thence
North 72° 50′ 03″ west a distance of 133.88 feet; thence
North 64° 14′ 03″ west a distance of 169.30 feet; thence
North 55° 33′ 03″ west a distance of 132.50 feet; thence
North 48° 24′ 03″ west a distance of 153.60 feet; thence
North 39° 09′ 03″ west a distance of 59.50 feet; thence
North 14° 59′ 03″ west a distance of 133.70 feet; thence
North 25° 09′ 03″ west a distance of 199.30 feet; thence
North 13° 33′ 03″ west a distance of 43.10 feet; thence
North 11° 31′ 57″ east a distance of 62.80 feet; thence
North 7° 54′ 03″ west a distance of 171.30 feet; thence
North 6° 58′ 57″ east a distance of 127.80 feet; thence
North 17° 13′ 03″ west a distance of 153.90 feet; thence
North 00° 13′ 57″ east a distance of 244.30 feet; thence
North 10° 44′ 03″ west a distance of 50.30 feet; thence
North 2° 58′ 57″ east a distance of 257.10 feet; thence
North 1° 17′ 57″ east a distance of 34 40 feet; thence
North 32° 12′ 03″ west a distance of 57.80 feet; thence
North 8° 58′ 57″ east a distance of 78.30 feet; thence
North 1° 17′ 57″ east a distance of 272.60 feet; thence
North 4° 55′ 57″ east a distance of 184.84 feet; thence
North 00° 57′ 03″ west a distance of 149.70 feet; thence
North 7° 18′ 57″ east a distance of 131.20 feet; thence
North 00° 23′ 03″ west a distance of 66 90 feet; thence
North 10° 48′ 57″ east a distance of 156.20 feet; thence
North 21° 08′ 57″ east a distance of 139 20 feet; thence
North 30° 26′ 57″ east a distance of 177 80 feet; thence
North 33° 16′ 57″ east a distance of 133.20 feet; thence
North 39° 53′ 57″ east a distance of 123 50 feet;

Thence, continuing northeasterly along said Mean High Tide Line to an intersection with the U.S. Pierhead Line, as said U.S. Pierhead Line was established for the Bay of San Diego; thence along said U.S. Pierhead Line south 37° 45′ 10″ east to Pierhead Line Station 499; thence along the said U.S. Pierhead Line the following courses and distances; south 12°

45′ 34″ east a distance of 4253.40 feet to Pierhead Line Station 497; thence south 32° 00′ 19″ west a distance of 2353.67 feet to Pierhead Line Station 495; thence south 15° 04′ 07″ east a distance of 2019.49 feet to Pierhead Line Station 493; thence leaving said U.S. Pierhead Line and continuing south 80° 19′ 00″ west along the said westerly prolongation of a proposed combined U.S. Bulkhead-Pierhead Line between existing U.S. Pierhead Line Stations 493 and 491 to an intersection with the Mean High Water Line of the Bay of San Diego, as said Mean High Water Line was established by the U.S. Engineering Department in October, 1941; said Mean High Water Line also being the easterly boundary line of the U.S. Naval Radio Station R, said boundary being established in Civil No. 202, Book 1594, page 87, O.R., on file in the Recorder's Office of the County of San Diego; thence northwesterly along said boundary line to the true point or place of beginning of Parcel No. 2, containing 120 acres, more or less of tideland area.

Parcel No. 3

Beginning at the intersection of the Mean High Tide Line of the Bay of San Diego, as said Mean High Tide Line is shown on Miscellaneous Map No. 215, on file in the Recorder's Office of the County of San Diego, and the southerly boundary line of the Silver Strand State Park; said point being Mean High Tide Line Station No. 58 and the true point or place of beginning of Parcel No. 3; thence along the easterly prolongation of the said southerly boundary line of the Silver Strand State Park to an intersection with the U.S. Pierhead Line, as said U.S. Pierhead Line was established for the Bay of San Diego; thence along the said U.S. Pierhead Line south 37° 45′ 10″ east to an intersection with the above mentioned Mean High Tide Line of the Bay of San Diego; thence along said Mean High Tide Line the following courses and distances; first south 72° 57′ 57″ west to Mean High Tide Line Station 71; thence

South 64° 43′ 57″ west a distance of 120.20 feet; thence
South 68° 01′ 57″ west a distance of 153.30 feet; thence
South 71° 52′ 57″ west a distance of 265.90 feet; thence
South 79° 07′ 57″ west a distance of 205.20 feet; thence
South 87° 30′ 57″ west a distance of 236.60 feet; thence
South 81° 18′ 57″ west a distance of 144.00 feet; thence
South 86° 39′ 57″ west a distance of 277.30 feet; thence
North 87° 41′ 03″ west a distance of 166.60 feet; thence
North 82° 14′ 03″ west a distance of 137.30 feet; thence
North 76° 43′ 03″ west a distance of 123 60 feet; thence
North 72° 07′ 03″ west a distance of 108.30 feet; thence
North 67° 04′ 03″ west a distance of 114.70 feet; thence
North 59° 45′ 03″ west a distance of 101.19 feet

to the true point or place of beginning of Parcel No. 3, containing 16.4 acres, more or less, of tideland area.

Parcel No. 4

Beginning at the intersection of the Mean High Tide Line of the Bay of San Diego, as said Mean High Tide Line shown

on Miscellaneous Map No. 215, on file in the Recorder's Office of the County of San Diego, and the southerly boundary line of the Silver Strand State Park; said point being Mean High Tide Line Station No. 57 and the true point or place of beginning of Parcel No. 4; thence along the said Mean High Tide Line the following courses and distances, first:

North 48° 28′ 52″ west a distance of 180.86 feet; thence
North 41° 15′ 04″ west a distance of 183.50 feet; thence
North 18° 29′ 55″ west a distance of 366 06 feet; thence
North 16° 52′ 12″ west a distance of 306.92 feet; thence
North 18° 57′ 53″ west a distance of 425.67 feet; thence
North 1° 42′ 42″ west a distance of 461.77 feet; thence
North 5° 49′ 09″ east a distance of 339.93 feet; thence
South 75° 10′ 52″ west a distance of 340.59 feet; thence
North 22° 29′ 42″ west a distance of 453.94 feet; thence
North 45° 28′ 06″ east a distance of 163 57 feet; thence
North 62° 03′ 24″ east a distance of 299.97 feet; thence
North 69° 49′ 35″ east a distance of 413.62 feet; thence
North 67° 15′ 46″ east a distance of 181.35 feet; thence
North 13° 56′ 41″ west a distance of 156 48 feet; thence
North 35° 29′ 14″ west

to an intersection with the northerly boundary line of the Silver Strand State Park; thence easterly along the said northerly boundary line of the Silver Strand State Park and its easterly prolongation to an intersection with the said U. S. Pierhead Line; thence along the said U. S. Pierhead Line south 23° 00′ 02″ east to U. S. Pierhead Station No. 501; thence continuing along the said U. S. Pierhead Line south 37° 45′ 10″ east to an intersection with the easterly prolongation of the said southerly boundary line of the Silver Strand State Park; thence westerly along the said easterly prolongation of the southerly boundary line of the Silver Strand State Park to the true point or place of beginning of Parcel No. 4, containing 103 acres, more or less, of tideland area.

The grant of the tidelands and submerged lands described in Parcel No. 1 herein is expressly subject to all leases of any portion of said tidelands and submerged lands heretofore granted by the State of California to Western Salt Company and the San Diego Gas and Electric Company in existence on the effective date of this act.

SEC. 2. The district shall have and there is hereby granted to it and its authorized agents and lessees the right to make within and upon the granted lands, or within and upon the granted lands in combination with neighboring lands of the district, all improvements, betterments and structures of every kind and character proper, needful, useful, convenient or incidental to and for the development of commerce, navigation and fisheries, including without limiting the generality of the foregoing, the following:

(a) The establishment, improvement and conduct of a harbor, and the construction, reconstruction, repair and maintenance of works and facilities incidental to a harbor.

(b) The construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, beltline railroads and other transportation facilities or betterments incidental to a harbor.

(c) The construction, reconstruction, repair and maintenance of small boat harbors, marinas, aquatic playground and similar recreational facilities, together with hotels, motels, residences and other structures and facilities incidental thereto.

(d) The construction, reconstruction, repair and maintenance of wharves, docks, piers, warehouses, and commercial and industrial buildings, plants and facilities.

SEC. 3. The district may lease the granted lands, or any part thereof, and any utilities, structures, improvements or appliances thereon for the term and under such covenants and conditions as govern the leasing of tidelands pursuant to the provisions of the San Diego Unified Port District Act (Chapter 67, Statutes 1962, First Extraordinary Session,).

SEC. 4. The granted lands shall be improved and all improvements, betterments and structures thereon shall be made or erected by the district or its authorized agents or lessees, without expense to the state; provided, that nothing contained in this act shall preclude the district from accepting and expending any grant of funds from the state for the development of the granted lands for any public purpose not inconsistent with the trusts for commerce, navigation and fishery. In the management, conduct, operation and control of the granted lands or any improvements, betterments or structures thereon, the district and its successors shall make no discrimination in rates, tolls or charges for any use of service in connection therewith.

This grant is made upon the express condition that within 10 years from the effective date of this act, the granted lands shall be substantially improved by the district without expense to the state and that if the State Lands Commission determines that the district has failed to improve the lands as herein required, all right, title, and interest of the district in and to all lands granted by this act shall cease and all the right, title and interest in the granted lands shall revert and rest in the state.

SEC. 5. There is hereby reserved to the people of the state the right to fish in the waters upon the granted lands with the right of convenient access to the waters over the granted lands for the purpose.

SEC 6. There is hereby excepted and reserved to the state the following:

(a) All deposits of minerals, including oil and gas in the land, together with the right of the state or persons authorized by the state to prospect for, mine and remove such deposits from the granted lands.

(b) The right to use without charge any transportation, landing or storage improvements, betterments or structures

constructed upon the granted lands for any vessel or other watercraft or railroad owned or operated by the state.

(c) The right at any time in the future to use the granted lands or any portion thereof for highway purposes without compensation to the district, its successors, or any person, firm or public corporation claiming under it, except that in the event improvements, betterments or structures have been made or erected within or upon the portions of the granted lands so used by the state, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures so used or the damages to such interest.

SEC. 7. In the event of a violation of any of the provisions of this act, the granted lands and the whole thereof shall revert to the state.

SEC. 8. The State Lands Commission shall, at the expense of the district, prepare a description and plat of the granted lands and record such description and plat in the office of the County Recorder of San Diego County.

SEC. 9. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 10. The district shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.

CHAPTER 1745

An act to amend Section 53205.2 of the Government Code, relating to group insurance for public officers and 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 53205.2 of the Government Code is amended to read:

53205.2. In granting the approval specified in Sections 53202 and 53202.1 the local agency or governing board shall give preference to such health benefit plans as do not terminate upon retirement of the employees affected, and which provide the same benefits for retired personnel as for active personnel at no increase in costs to the retired person, provided that the local agency or governing board makes a con-

tribution of at least five dollars ($5) per month toward the cost of providing a health benefits plan for the employee or the employee and the dependent members of his family. In the case of retired personnel who receive retirement benefits under the State Employees' Retirement System, the health benefits coverage provided for annuitants by a health benefits plan under the Meyers-Geddes State Employees' Medical and Hospital Care Act shall satisfy the requirements of this section.

CHAPTER 1746

An act to amend Section 70141.7 of the Government Code, relating to salaries of commissioners.

[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 70141.7 of the Government Code is amended to read:

70141.7. In any county with a population exceeding 503,000 and not exceeding 600,000, as determined by the 1960 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive a monthly salary in accordance with the following salary range of five annual steps; one thousand four hundred ten dollars ($1,410) a month for the first year; one thousand four hundred eighty-one dollars ($1,481) a month for the second year; one thousand five hundred fifty-one dollars ($1,551) a month for the third year; one thousand six hundred thirty-three dollars ($1,633) a month for the fourth year; and one thousand seven hundred fifteen dollars ($1,715) a month for the fifth year. He shall also be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 1747

An act to amend Section 23756 of the Education Code, relating to residency requirements for students.

[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 23756 of the Education Code is amended to read:

23756. "A resident student" means any person who has been a bona fide resident of the state for more than one year

immediately preceding the opening day of a semester during which he proposes to attend the state college.

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code. The residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian, except that:

(a) Where immediately prior to enrolling in any California institution of higher learning the minor child has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than two years, the residence of the minor child is the residence of the person, or persons having such care and control after the expiration of that two years. As used in this subdivision, "California institution of higher learning" means any public or private university, college, or junior college in the state.

(b) Any person who qualifies for residence status under subdivision (a) of this section or under Sections 243 and 244 of the Government Code shall not lose such residence status by virtue of his marriage to a nonresident who lives in California nor shall such person be required to reestablish residency upon reaching his or her majority.

(c) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend the state college has lived with his mother, who is living apart from his father, and has been for a period of more than one year immediately preceding the opening day of the semester present in the state with the intention of making her permanent home therein, is a resident student.

(d) Any person whose residence is derived from a parent and who loses California residence by reason of a change of residence by such parent, shall be considered a resident student for tuition purposes for a period of one year following such change of residence by his parent, provided that such parent was a bona fide resident of California for at least one year immediately preceding such change of residence from California.

(e) Any minor child who has been a bona fide resident of the state for more than 10 years immediately preceding the opening day of a semester during which he proposes to attend the state college shall be deemed a "resident student" notwithstanding the place of abobe or residence of either living parent or guardian of the minor child. Except as otherwise provided in this subdivision, the residence of the minor child shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code.

CHAPTER 1748

An act to amend Sections 3, 8, 9, 10, and 11 of, to amend and renumber Sections 13, 14, 15, 16, 17, 19, 20, 21 and 22 of, to add Sections 21, 22, 23, 24, and 25 to, and to repeal Sections 12 and 18 of, Chapter 1775, Statutes 1963, relating to Stockton and East San Joaquin Water Conservation 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 3 of Chapter 1775, Statutes 1963, is amended to read:

Sec. 3. (a) The definition of a word applies to any of its variants

(b) "District" means the Stockton and East San Joaquin Water Conservation District.

(c) "Person" means any public agency or public corporation, whether federal, state, or local, or any private corporation, firm, partnership, individual, or group of individuals.

(d) "Ground water" means potable water beneath the surface of the ground suitable for municipal and irrigation use, whether or not flowing through known and definite channels.

(e) "Production" or "producing" means the taking of water by surface diversion or the extraction or extracting of ground water, by pumping or any other method from shafts, tunnels, wells (including, but not limited to, abandoned oil wells), excavation, or other sources of such ground water, for domestic, municipal, irrigation, industrial, or other beneficial use, except that such terms shall not mean or include the extraction or extracting of ground water incidentally produced with oil in the production of oil or gas nor the extraction or extracting of ground water incidentally produced in a bona fide mining operation or in the bona fide construction of a tunnel for railroad, highway, aqueduct, pipeline, or other useful purpose (except the production of ground water for use or sale) unless the ground water so extracted shall be used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose.

(f) "Water-producing facility" means any device or method, mechanical or otherwise, for the production of ground water from the ground water supplies within said district or for the taking of surface water.

(g) "Owner" means the person or persons owning any water-producing facility or any interest therein other than a lien to secure the payment of a debt or other obligation.

(h) "Operator" means the person or persons operating a water-producing facility; the owner thereof shall be conclusively presumed to be such operator unless satisfactory showing be made to the board of directors of the district that such water-producing facility actually is operated by some other

person or persons, it being the purpose of this act to include any such person within the provisions hereof; if an operator fails to do any act required of him and he is other than an owner the owner shall do the act in the same manner, within the same time, and subject to same penalties as an operator is required so to do.

(i) "Producer" means any operator producing ground water or taking surface delivery of water.

(j) "Annual overdraft" means the amount, as determined by the board of directors of the district, by which the production of water from the ground water supplies within the district during the water year exceeds the natural replenishment of such ground water supplies in such year.

(k) "Accumulated overdraft" means the aggregate amount, as determined from time to time by the board of directors of the district, by which the quantity of ground water removed from the ground water supplies within said district during all preceding water years shall have exceeded the quantity of water replaced therein by the replenishment of such ground water supplies in such water years by any natural or artificial means, the respective determination to be based upon reports, records, and other data or evidence found by such board of directors to be adequate for the purpose of making such determination.

(*l*) "Delinquent account" means the sum or sums owing to the district by an operator for water produced by a water-producing facility for which payment is required by this act and for which payment in full has not been received by the district within the time specified for payment by this act and the applicable rules and regulations duly adopted by the board of directors.

(m) "Delinquent landowner" means the owner or owners of a parcel of land upon which one or more delinquent water-producing facilities are located as such ownership is disclosed by the last equalized assessment roll of the County of San Joaquin.

(n) "Delinquent operator" means the operator of a delinquent water-producing facility during the period water was produced for which payment in full has not been received by the district for the production of such water within the time specified by this act and any applicable rules and regulations duly adopted by the board of directors.

(o) "Delinquent parcel" means a parcel of land upon which one or more delinquent water-producing facilities are located.

(p) "Delinquent water-producing facility" means a water-producing facility which has produced water for which payment is required by this act and for which payment in full has not been received by the district for the production of such water within the time specified for payment by this act and any applicable rules and regulations duly adopted by the board of directors.

(q) "Unregistered water-producing facility" means a water-producing facility which has not been registered with the district as required by this act and any applicable rules and regulations duly adopted by the board of directors.

SEC. 3. Section 8 of said act is amended to read:

Sec. 8. The board of directors at a regular meeting in March of each year shall hold a public hearing to determine whether a replenishment assessment is required to be levied and whether a surface delivery charge shall be made. Notice of said hearing shall be published pursuant to Section 6061 of the Government Code at least 10 days prior to the date of said meeting. Any operator of a water-producing facility within said district or any person interested in the condition of the water supplies of said district may in person or by representative appear and submit evidence concerning the water conditions of said district. The board may levy and assess a charge or replenishment assessment against all persons operating water-producing facilities and producing water during the current year and may fix charges for the use, sale, or lease of water for surface delivery or may establish a rate for such water on a consumptive use basis or on a flat rate acreage basis. The method of computing such charges may be uniform for all water-producing facilities or may be uniform for each of several classes of water-producing facilities, said classes being determined by such criteria as are set forth hereinafter in this paragraph. At the time of fixing such charges, assessments, or rates, the board may establish a method or methods to be used in computing the amount of water produced or consumptively used from a water-producing facility which is not measured by a measuring device. Such methods may be based on any or all or a combination of some of the following criteria; 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, on a flat rate acreage basis, or any other criteria which may be used to determine with reasonable accuracy the amount of water produced or consumptively used from a water-producing facility whether used for extracting ground water by pumping or taking surface delivery of water furnished by the district and to distribute such charges equitably as determined by the board. The board may waive a charge or assessment upon any class of water-producing facilities, which because of the small amount of water produced by such facilities, would yield to the district a sum less than the estimated cost of making and collecting such charges or assessments.

The total of the replenishment assessment levied and charges fixed in any year shall not exceed an amount of money found to be necessary to purchase sufficient water which the board finds is required to replenish the ground water basin and to

furnish surface deliveries and for the operation and maintenance costs related thereto.

In computing and fixing the replenishment assessment rate and charge there shall be allowed such percent, not to exceed 15 percent, as shall be determined by the board of directors of the district for delinquencies, but in no event shall an assessment be levied under the provisions of this act which shall exceed a rate of four dollars ($4) per acre-foot for water furnished by surface delivery where such water is used for agricultural purposes, or seventy-five cents ($0.75) per acre-foot for water produced from the underground where such water is used for agricultural or agricultural product processing purposes and not to exceed three dollars ($3) per acre-foot for water used for nonagricultural purposes. Notice of such hearing shall be published in the district pursuant to Section 6061 of the Government Code, at least 10 days prior to the date set for said hearing.

Any replenishment assessment levied or charge made by this section shall be in addition to any general assessment levied by said district. The board of directors shall have authority to commingle the funds of the district produced by any general assessment and by any replenishment assessment levied or charges made pursuant to this section and to use any of such funds for all district purposes, provided that no funds produced by any replenishment assessment levied or charges made pursuant to this section shall be used other than for the acquisition of water for replenishment of the ground water supplies of the district and for acquisition of water for surface deliveries and for operation and maintenance costs related thereto.

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 assessed, or in the making or extension of any assessment upon the records, which do not affect the substantial rights of the assessee or assessees, shall not invalidate the assessment.

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

Sec 9. The district, after the levying of the replenishment assessment and fixing charges, shall give notice thereof to the operator of each water-producing facility in the district and each person taking surface delivery as disclosed by the records of said district. Said notice may be sent by postal card or by other first class mail with postage prepaid by said district.

SEC 5. Section 10 of said act is amended to read:

Sec. 10. Within six months after the effective date of this act, all water-producing facilities located within the boundaries of the district shall be registered with said district by the operator thereof. Any new water-producing facility constructed or reestablished after such date shall be registered with said district within 30 days after the completion or reestablishment thereof.

In addition to other information which said 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.

The provisions of this section shall not be applicable to any class of water-producing facilities which is excluded from the requirements of registration by any rules and regulations adopted by the board. The board may so exclude a determinable class of water-producing facilities from the requirements of registration because of the small quantity of water produced by such water-producing facilities, or because charges and assessments are to be imposed on such a class of water-producing facilities by a method not requiring the board to have knowledge of the exact number and location of the water-producing facilities in such a class. The board may, by the adoption of appropriate rules and regulations. subsequently require registration of any class of water-producing facilities previously excluded from the requirement of registration and subject such facilities to all the requirements of this section.

SEC. 6. Section 11 of said act is amended to read:

Sec. 11. Each operator of a water-producing facility within said district whose use of water is measured by a measuring device, until such time as said water-producing facility has been permanently abandoned, shall file with said district, on or before the 31st day of January and on or before the 31st day of July of 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 and the method or basis of the computation of such water production. 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. Each water user whose use of water is not measured by a measuring device shall likewise file a statement setting forth such information as the board of directors may deem necessary or desirable to effectuate the purposes of this act and as required by the rules and regulations duly adopted by the board of directors. Such statements shall be verified by a written declaration that it is made under the penalties of perjury. The replenishment assessment and charges are payable to said district on or before the last date on which said statements shall be filed and is computed by multiplying the production in acre-feet of water as disclosed in the statement, by the replenishment assessment rate or by such other method authorized by this act and adopted by the board. At such time as any

said water-producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to said district.

Upon failure to pay the replenishment assessment or charges when due, said district shall charge interest at the rate of one (1) percent each month on the delinquent amounts.

Should any operator of a water-producing facility fail to register each water-producing facility or should any water user fail to file on or before the 31st day of January and the 31st day of July of each year the statement required, said district shall, in addition to charging interest as provided herein, assess a penalty charge against such operator or water user in an amount of ten (10) percent of the amount found by said district to be due.

Should any operator of a water-producing facility fail to register any water-producing facility within the time required by this act and any applicable rules and regulations duly adopted by the board of directors, then the board of directors may levy a supplemental penalty, in addition to penalties and interest otherwise authorized by this act, of not to exceed three times the amount found by the district to be due for water produced from such a facility on and after the effective date of this amendment to this act pursuant to rules and regulations adopted by the board of directors.

No semiannual statement need be filed by any operator of a water-producing facility which facility has been excluded from the requirement of registration pursuant to Section 10 of this act. No semiannual statement need be filed by the operators of any class of water-producing facilities which is excluded from the requirements of filing such statements by any rules and regulations adopted by the board. The board may so exclude a determinable class of water-producing facilities from the requirement of filing semiannual statements in the event that the board determines that such filing is unnecessary because the charges and assessments to be imposed on such a class of water-producing facilities are to be imposed by a method not requiring the board to have the knowledge it would receive from such semiannual statements.

In the event that the board determines, pursuant to Section 10, not to require the registration of a particular class of water-producing facilities or not to require the submission of semiannual statements by the operators of a particular class of water-producing facilities and the charges or assessments on such facilities are otherwise established such charges and assessments shall be paid at the time and in the manner set forth in appropriate rules and regulations adopted by the board.

SEC. 7. Section 12 of said act is repealed.

SEC. 8. Section 13 of said act is amended and renumbered to read:

Sec. 12. Upon good cause shown an amended statement of water production may be filed or a correction of the records

may be made at any time prior to the final date for filing the next semiannual water production statement.

SEC. 9. Section 14 of said act is amended and renumbered to read:

Sec. 13. The district shall prepare each year a record called "The Record of Water Production" in which shall be noted the annual water production.

The district shall also prepare each year a record called "The Record of Replenishment Assessment and Charges" in which shall be entered each district assessment levy and charge, a general description and location of the property upon which each assessment or charge is made, and any identifying number or code which may be assigned to such facility.

SEC. 10. Section 15 of said act is amended and renumbered to read:

Sec. 14. The superior court of the county in which said district lies may issue a temporary restraining order upon the filing by said district with said court a verified petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district, or is a water user who has failed to file a required statement, or that such defendant is delinquent in the payment of a replenishment assessment or charge. Such temporary restraining order shall be returnable to said court on or before ten (10) days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility or from the use of water when it is established by a preponderance of the evidence at the hearing that the defendant has failed to register such water-producing facility with said district or has failed to file the required statement, or that the defendant is delinquent in a replenishment assessment or charge thereon. Such court can provide that the injunction so made and issued shall be stayed for a period not to exceed ten (10) days to permit the defendant to register the water-producing facility or to pay the delinquent replenishment assessment.

Service of process is completed by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which it is located or upon which the water is used and by personal service upon the named defendant.

The right to proceed for injunctive relief granted herein is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The procedure provided in Part 2, Title 7, Chapter 3 of the Code of Civil Procedure regarding injunctions shall be followed except insofar as it may herein be otherwise provided. Said district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

The provisions of this section shall not be applicable in any case in which a particular act need not be performed by the

operator of a water-producing facility pursuant to duly adopted rules and regulations of the district.

SEC. 11. Section 16 of said act is amended and renumbered to read:

SEC. 15. If said 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, said district may cause an investigation and report to be made concerning the production of water from each such water-producing facility. Said 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 and the burden is upon said district to establish to the contrary.

After such determination has been made by said 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 said district shall be conclusive on all persons having an interest in such water-producing facility and the replenishment assessment interest and penalties thereon, payable forthwith, unless such person files with the board of directors of said district within ten (10) days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, said board of directors thereafter shall hold a hearing at which time the total amount of the water production and the replenishment assessment thereon shall be determined, which shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least ten (10) days before the date fixed for the hearing. Notice of the determination by said board of directors shall be mailed to each protestant who shall have twenty (20) days from the date of mailing to pay the replenishment assessment, 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 record of said district. The service is complete at the time of deposit.

SEC. 12. Section 17 of said act is amended and renumbered to read:

SEC. 16. Said district may bring a suit in the court having jurisdiction against any operator of a water-producing facility within said district for the collection of any delinquent replenishment assessment or charge. The court having

jurisdiction of said suit may, in addition to allowing recovery of costs to said district as allowed by law, fix and allow a part of the judgment, interest and penalties as provided in Section 12. Should said district, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, said district shall not be required to provide a bond or undertaking as is otherwise provided for in the Code of Civil Procedure of the State of California in Part 2, Title 7, Chapter 4 thereof.

SEC. 13. Section 18 of said act is repealed.

SEC. 14. Section 19 of said act is amended and renumbered to read:

Sec. 17. 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, 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 (6) months, or by both such fine and imprisonment.

SEC. 15. Section 20 of said act is amended and renumbered to read:

Sec. 18. The board of directors of the district is authorized to make such rules and regulations as it deems proper for carrying out the provisions of this act.

SEC. 16. Section 21 of said act is amended and renumbered to read:

Sec. 19. No rules and regulations shall be adopted by the board without first reviewing such at a public hearing held by the board. Notice of such a public hearing shall be published pursuant to Section 6061 of the Government Code at least 10 days prior to the date of such a hearing and the notice shall contain a brief description of any rules and regulations to be considered at the hearing.

SEC. 17. Section 22 of said act is amended and renumbered to read:

Sec. 20. There shall be within the district a board of review. The board of review shall consist of three members to be appointed, except as otherwise provided in this act, as follows: one by the City Council of the City of Stockton, one by the Board of Supervisors of the County of San Joaquin, and one by the board of directors of the district. Each of the members of the board of review shall have such experience or training so as to qualify them to deal with the matters which it is reasonably anticipated will come before the board of review The members of the board of review shall each serve at the pleasure of the governing board making the respective appointment. If either the city council or the board of super-

visors fails to appoint its respective member of the board of review, or to fill a vacancy with respect to its member, within 30 days after being requested in writing by the board of directors to do so then the board of directors shall fill such a vacancy and a person so appointed shall serve until such time as the city council or the board of supervisors respectively makes the necessary appointment but any person so appointed by the board of directors, because of the failure of the city council or the board of supervisors to act, shall continue to serve until any matters pending before the board and in which he has participated have been finally acted upon by the board as to such matters.

The board of review shall meet from time to time as is necessary to review the actions of the board of directors pursuant to this section. The board of directors shall provide for the actual and necessary expenses of the board of review and shall in addition thereto pay to each member of the board of review twenty-five dollars ($25) per meeting actually attended. The board of directors shall establish appropriate rules of procedure for the conduct of the business of the board of review. Two members of the board of review shall constitute a quorum for all purposes. All meetings of the board of review shall be open to the public and at any meeting of the board of review the board of directors, or members thereof, may be present or may be represented by counsel or other personnel or officials of the district.

If any interested person is dissatisfied with the action of the board of directors in connection with the adoption of any rule or regulation or in connection with the establishment of any rates or charges such action may be presented to the board of review by such interested person. Any person desiring to request review of an action by the board of directors shall file a request for review in writing either on forms provided by the district or in such other written form as will give the district adequate notice of the nature of the request, the action which it is requested be reviewed, the reasons for such request, the name, address, and telephone number of the person requesting review, and whether such person is represented by an attorney or other person and the name, address and telephone number of such representative. The request shall be filed with the secretary of the district and shall be filed not later than 10 days after the subject action is taken by the board of directors. Upon filing of a request for review the action of the board of directors to which the request relates shall be suspended and have no further effect until 10 days after either the board of review has approved the action of the board of directors or the board of directors has finally reconsidered its action after an order for reconsideration by the board of review.

Upon the filing of a request for review the secretary of the district shall set the matter for hearing by the board of review not later than 20 days after the filing of such a request, pro-

vided, however, that the president or secretary of the district shall have authority to extend the time for such hearing for a period not to exceed 30 additional days in the event that it is impractical to obtain a quorum of the board of review during the initial 20-day period. Prior to the hearing the secretary shall publish notice in the district pursuant to Section 6061 of the Government Code, at least 10 days prior to the date set for the hearing. The notice need not set out the nature of the appeal in detail, but shall contain a brief description of the nature of the appeal.

At the hearing the board of review shall hear evidence both written and oral from the person requesting the review and from all other interested persons desiring to be heard. At the conclusion of the hearing, and any continuances thereof, the board of review shall either approve the action of the board of directors or shall order a reconsideration thereof by the board of directors. Action shall be taken by the board of review on a matter brought before it not later than 45 days after the date set for the first hearing by the board of review on the matter. In the event that the board of review orders a reconsideration the board of review shall prepare a report and recommendations and submit the same to the board of directors within 10 days following the conclusion of the hearing or the final continuance thereof. In the event of an order for reconsideration the secretary shall transmit the report and recommendations to the board of directors and the board of directors shall meet at a regular or special meeting and shall consider the report and recommendations submitted to it and take such action thereon as it deems to be in the best interest of the district.

Upon either approval by the board of review or upon final reconsideration by the board of directors the action of the board of directors shall be final and shall take effect as of the date of the original action of the board of directors.

Nothing herein shall be deemed to deprive any person of any other rights of appeal or review he might have.

Notwithstanding any other provision in this section, in the event that the review process established by this section results in the suspension of an act of the board of directors until the completion of review, and delays the completion of any act required in the law beyond the time in which it should be done, the board shall have a reasonable time within which to act.

SEC 18. Section 21 is added to said act, to read:

Sec. 21. (a) Within ninety (90) days of nonpayment, when due, of all or any portion of any replenishment assessment or surface water charge due the district pursuant to this act the secretary of the district shall transmit to the board of directors the amount of any such delinquent account, together with the name of the delinquent operator, the name of the delinquent landowner, and the current description of the delinquent parcel as such description is then disclosed by the

applicable current records of the Assessor of the County of San Joaquin.

(b) Upon receipt of such a delinquent account, together with the information specified in paragraph (a) of this section, the board of directors shall cause notice to be given to the delinquent landowner and to the delinquent operator of the intention of the board of directors to create a lien upon said delinquent parcel The notice shall set forth said intention of the board of directors, the amount of the delinquent account, a description of the delinquent parcel, and shall further state that a delinquent landowner or delinquent operator may file a written protest with the secretary in the office of the district within twenty (20) days after the mailing of such notice together with such other information as may be deemed necessary or desirable by the board of directors. The notice shall be mailed to such delinquent landowner at the address of the delinquent landowner as such address is disclosed by the most recent equalized tax roll of the County of San Joaquin. On the same day that notice is mailed to such delinquent landowner, if the delinquent operator be other than the delinquent landowner, a copy of the notice shall be mailed to such delinquent operator at the address of the delinquent operator as such address is disclosed by the most recent records of the district. Not later than ten (10) days following the mailing of the notice a copy of such notice shall be published in the district pursuant to Section 6061 of the Government Code.

(c) Within twenty (20) days after the mailing of the notice a delinquent landowner or a delinquent operator may file a written protest to the amount of the delinquent account or to any other error stated in the notice with the secretary of the district at the office of the district. Such a protest shall either be on forms provided by the district or shall be in such other written form as will give the district adequate notice of the nature of the request, the ground or grounds of protest, the name, address, and telephone number of the protestant, and whether such protestant is represented by an attorney or other representative and the name, address, and telephone number of such representative. The protest required by this paragraph shall be verified by the protestant filing the same.

(d) Upon the receipt of any protest filed pursuant to paragraph (c) above, the president of the board of directors shall set a time and place for a hearing on the matter before the board of directors. The hearing shall be set not later than sixty (60) days after the mailing of the notice mentioned in paragraph (b) and notice of such hearing shall be given to protestant by the mailing of a notice of the hearing to his mailing address specified in his protest. The notice of hearing shall be mailed at least ten (10) days prior to the time set for said hearing. At the hearing upon the protest any protestant shall be given an opportunity to present oral and documentary testimony, either personally or by an attorney or other representative, as to his grounds and reasons for the protest and the

board of directors shall also hear evidence with respect to the matter from the secretary of the district and from such other persons as it deems necessary and proper.

(e) At the conclusion of the hearing upon a protest, or at the conclusion of any continuance thereof, or if no protest has been filed within forty (40) days after the mailing of the notice mentioned in paragraph (b) of this section, then at any special or regular meeting of the board of directors, the board of directors shall review said delinquent account and shall revise or confirm it, based upon evidence presented by any protestant and upon evidence presented by the secretary of the district and the evidence of any other person heard by the board of directors, and shall then compute the penalties due on the delinquent account pursuant to this act to the date of the hearing, continuance thereof, or meeting and the board of directors shall then certify, by the adoption of an appropriate resolution, to the total amount of the delinquent account together with the penalties due thereon, the name of the delinquent landowner, and the description of the delinquent parcel On or before the 10th day of August, next, succeeding the adoption of such a resolution, the secretary shall transmit a certified copy of such resolution to the Auditor of the County of San Joaquin. The description provided for, herein, shall be the description or other designation currently used by the Assessor of the County of San Joaquin and shall include the tax account number and the code area of the delinquent parcel.

(f) Upon receipt of such a certified resolution, the Auditor of the County of San Joaquin shall enter the amount of the delinquent account, together with the penalties computed, as above in paragraph (e) of this section, against the delinquent parcel designated in the resolution as such parcel appears on the current assessment roll.

(g) The tax collector of the County of San Joaquin shall then include the amount of such assessment or charges and penalties, together with such penalties, on bills for county taxes levied against the delinquent parcel of land.

(h) Thereafter the amount of such assessments or charges and penalties shall be collected at the same time and in the same manner as county taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency, as provided for ordinary county taxes.

(i) Upon collection of such delinquent accounts and penalties, within a reasonable time the Auditor of the County of San Joaquin shall deposit the sums so collected to the account of the district, but the auditor may deduct, from time to time, an amount not to exceed one-quarter of one percent (¼ of 1%) of the sums collected pursuant to this section to defray the costs of the County of San Joaquin in processing such accounts.

(j) All laws applicable to the levy, collection, and enforcement of county taxes are applicable to such delinquent accounts and penalties so transmitted to the Auditor of the County of San Joaquin, pursuant to this section.

(k) All or any portion of any such delinquent account and penalties shall on order of the Board of Supervisors of the County of San Joaquin be canceled by the Auditor of the County of San Joaquin if uncollected, or except in the case provided for in subparagraph (5) hereof, refunded by the Treasurer of the County of San Joaquin, out of district funds, if collected, if it or they were entered, charged, or paid:

(1) More than once;

(2) Through clerical error;

(3) Through the error or mistake of the board of directors of the district in respect to any material fact, in the course of establishing the amount of the delinquent account and the penalties due upon said delinquent account under this act;

(4) Illegally; or

(5) On property acquired after the lien date by the State of California or by any county, city, school district, or other political subdivision of the State of California and because of such public ownership not subject to sale for delinquent taxes.

(*l*) No order for a refund under the foregoing paragraph shall be made except on a claim:

(1) Verified by the person who paid said delinquent account and penalties or his guardian, executor, or administrator; and

(2) Filed within three (3) years after making the payment sought to be refunded.

The provisions of this paragraph do not apply to cancellations.

(m) Mailed notice when required by 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 the address specified by this section for such notice. The service is complete at the time of deposit.

(n) In such cases as are convenient and appropriate, procedures, acts, documents, and notices required under this section may be made applicable to more than one delinquent parcel, delinquent operator, delinquent landowner, or delinquent water-producing facility.

(o) The provisions of this section shall not be applicable to a delinquent parcel owned by the State of California or by any county, city, school district, or other political subdivision of the State of California.

SEC. 19. Section 22 is added to said act to read:

Sec. 22. In the case of an unregistered water-producing facility, known to the district, or at the time such a facility is discovered by the district, the total amount due for water produced by such a facility for all periods during which water was produced from such a facility shall be determined, charged, billed, and paid in the same manner as is provided in Section 15. In cases of unregistered water-producing facilities and in cases in which no required statement covering a water-producing facility has been filed and in such cases, and in all other cases provided for by Section 15, following the

final determination of the amount due pursuant to Section 15, if payment is not thereafter made within the time required by Section 15, any such delinquent account shall then in all respects be treated as any other delinquent account and shall be processed in accordance with the provisions established by Section 21.

SEC. 20. Section 23 is added to said act, to read:

Sec. 23. All of the procedures and remedies applicable to the processing, collection, and enforcement of delinquent accounts, including, but not limited to, those relating to the creation of tax liens, established by this amendment to this act shall be retroactively applicable to any delinquent replenishment assessment or charges accrued or incurred under this act at any time since September 21, 1963. For the purposes of the procedures established by Section 21 of this act, as amended, but not for any other purpose, including, but not limited to, the computation of penalties, delinquencies which accrued prior to the effective date of this amendment, shall be deemed to be delinquencies occurring on the effective date of this amendment. It is the express intention of the legislature in adopting this section to make such procedures and remedies granted to the district by this amendment retroactive. Nothing in this section or this amendment to this act shall be deemed to increase the total amount due upon any delinquent account at any time above that obligation which would have accrued upon any such delinquent account prior to the effective date of this amendment to this act had this amendment to this act not been adopted.

SEC. 21. Section 24 is added to said act, to read:

Sec. 24. Failure of the district at any time to take action to collect any delinquent replenishment assessment or charge or a failure of the district to compel registration of any unregistered water-producing facility shall not be a waiver of the right of the district to collect such account at any time in the future by the utilization of such procedures and remedies as are granted to the district by this act as amended by this amendment.

SEC. 22. Section 25 is added to said act, to read:

Sec. 25. All of the procedures and remedies applicable to the processing, collection, and enforcement of delinquent accounts and penalties granted to the district by this act as amended are alternative and the utilization of one such procedure or remedy shall not bar the use of another.

CHAPTER 1749

An act to amend Section 657 of the Code of Civil Procedure, relating to new trials.

[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 657 of the Code of Civil Procedure is amended to read:

657. The verdict may be vacated and any other decision may be modified or vacated, in whole or in part, and a new or further trial granted on all or part of the issues, on the application of the party aggrieved, for any of the following causes, materially affecting the substantial rights of such party:

1. Irregularity in the proceedings of the court, jury or adverse party, or any order of the court or abuse of discretion by which either party was prevented from having a fair trial;

2. Misconduct of the jury; and whenever any one or more of the jurors have been induced to assent to any general or special verdict, or to a finding on any question submitted to them by the court, by a resort to the determination of chance, such misconduct may be proved by the affidavit of any one of the jurors;

3. Accident or surprise, which ordinary prudence could not have guarded against;

4. Newly discovered evidence, material for the party making the application, which he could not, with reasonable diligence, have discovered and produced at the trial;

5. Excessive damages, appearing to have been given under the influence of passion or prejudice;

6. Insufficiency of the evidence to justify the verdict or other decision, or that it is against law;

7. Error in law, occurring at the trial and excepted to by the party making the application.

When a new trial is granted, on all or part of the issues, the court shall specify the ground or grounds upon which it is granted and the court's reason or reasons for granting the new trial upon each ground stated.

A new trial shall not be granted upon the ground of insufficiency of the evidence to justify the verdict or other decision unless after weighing the evidence the court is convinced from the entire record, including reasonable inferences therefrom, that the court or jury clearly should have reached a contrary verdict or decision.

The order passing upon and determining the motion must be made and entered as provided in Section 660 and if the motion is granted must state the ground or grounds relied upon by the court, and may contain the specification of reasons. If an order granting such motion does not contain such specification of reasons, the court must, within 10 days after

filing such order, prepare, sign and file such specification of reasons in writing with the clerk. The court shall not direct the attorney for a party to prepare either or both said order and said specification of reasons.

On appeal from an order granting a new trial the order shall be affirmed if it should have been granted upon any ground stated in the motion, whether or not specified in the order or specification of reasons; provided, that the order shall not be affirmed upon the ground of the insufficiency of the evidence to justify the verdict or other decision unless such ground is stated in the order granting the motion; and provided further that on appeal from an order granting a new trial upon the ground of the insufficiency of the evidence to justify the verdict or other decision, or upon the ground of excessive damages appearing to have been given under the influence of passion or prejudice, it shall be conclusively presumed that said order as to such ground was made only for the reasons specified in said order or said specification of reasons, and such order shall be reversed as to such ground only if there is no substantial basis in the record for any of such reasons.

CHAPTER 1750

An act to amend Section 1 of Chapter 602 of the Statutes of 1963, relating to quiet title 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 1 of Chapter 602 of the Statutes of 1963 is amended to read:

Section 1. The grantee or grantees of any lands which have been or may be conveyed by the state pursuant to Chapter 1885 of the Statutes of 1959, or his or their successor or successors in interest, immediate or remote, is and are hereby authorized to bring suit against the State of California to quiet title to the lands so conveyed, or to obtain declaratory relief determining the validity of the title so conveyed. Service of process in any such suit shall be made upon the Chairman of the State Lands Commission and the Attorney General, and it shall be the duty of the Attorney General to represent the state in any such suit. In any such action, whether or not judgment is given against the state, no costs shall be recovered against the state. Any action brought under the provisions of this act shall be commenced prior to January 1, 1967.

CHAPTER 1751

An act to add Section 5060 to, and to repeal Sections 2945 and 3057 of, the Penal Code, relating to aid to persons discharged or paroled from institutions of Department of Corrections.

[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 5060 is added to the Penal Code, to read:

5060. The Director of Corrections may assist persons discharged, paroled, or otherwise released from confinement in an institution of the department and may secure employment for them, and for such purposes he may employ necessary officers and employees, may purchase tools, and give any other assistance that, in his judgment, he deems proper for the purpose of carrying out the objects and spirit of this section. Repayment of cash assistance received under this section from the current, or any prior appropriation, shall be credited to the appropriation current at time of such repayment.

SEC. 2. Section 2945 of said code is repealed.

SEC. 3. Section 3057 of said code is repealed.

CHAPTER 1752

An act to add Chapter 8.5 (commencing with Section 1501) to Part 1 of Division 1 of the Public Utilities Code, relating to water service duplication.

[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 8.5 (commencing with Section 1501) is added to Part 1 of Division 1 of the Public Utilities Code, to read:

CHAPTER 8.5. SERVICE DUPLICATION

1501. The Legislature recognizes the substantial obligation undertaken by a privately owned public utility which is franchised under the Constitution or by a certificate of public convenience and necessity to provide water service in that the utility must provide facilities to meet the present and prospective needs of those in its service area who may request service. At the same time, the rates that may be charged for water service by a regulated utility are fixed by the Public Utilities Commission at levels which assume that the facilities so installed will remain used and useful in the operation of the

utility for a period of time measured by the physical life of such facilities.

The Legislature finds and declares that the potential loss of value of such facilities which may result from the construction and operation by a political subdivision of similar or duplicating facilities in the service area of such a private utility often deters such private utility from obtaining a certificate or extending its facilities to provide in many areas a water supply essential to the health and safety of the citizens thereof.

The Legislature further finds and declares that it is necessary for the public health, safety, and welfare that privately owned public utilities regulated by the state be compensated for damages that they may suffer by reason of political subdivisions extending their facilities into the service areas of such privately owned public utilities.

1502. (a) As used in this chapter, "political subdivision" means a county, city and county, city, municipal water district, county water district, irrigation district, public utility district, or any other public corporation.

(b) As used in this chapter, "service area" means an area served by a privately owned public utility in which the facilities have been dedicated to public use and in which territory the utility is required to render service to the public.

(c) As used in this chapter, "operating system" means an integrated water system for the supply of water to a service area of a privately owned public utility.

(d) As used in this chapter, "private utility" means a privately owned public utility providing a water service.

(e) As used in this chapter, "type of service" means, among other things, domestic, commercial, industrial, fire protection, wholesale, or irrigation service.

1503. The Legislature finds and declares that whenever a political subdivision constructs facilities to provide or extend water service, or provides or extends such service, to any service area of a private utility with the same type of service, such an act constitutes a taking of the property of the private utility for a public purpose to the extent that the private utility is injured by reason of any of its property employed in providing the water service being made inoperative, reduced in value or rendered useless to the private utility for the purpose of providing water service to the service area, and such taking shall be compensable under Section 14 of Article I of the Constitution of California.

1504. Just compensation for the property so taken for public purposes shall be as may be mutually agreed by the political subdivision and the private utility or as ascertained and fixed by a court of competent jurisdiction pursuant to the laws of this state relating to eminent domain, including consideration of the useful value to the political subdivision of the property so taken.

Whenever the compensation by a political subdivision under this section is an amount equal to the just compensation value

of all the property of the private utility in the operating system that the private utility employs in providing water service to the service area, the political subdivision may, by resolution, provide for the acquisition of all such property.

A political subdivision engaged in activities set forth in Section 1503 shall pay just compensation for the property so taken for public purposes.

1505. The provisions of Sections 1503 and 1504 will be applicable to any private utility which constructs facilities to provide or extend water service or provides or extends such service to any territory theretofore served by a political subdivision with the same type of service.

1506. As used in this chapter, "private utility" includes a mutual water company. In its application to mutual water companies, this chapter affects and relates only to the property, or portion of any property, of a mutual water company that is employed by the company in providing water service in or for a territory that is actually being provided with water service by the company when a political subdivision constructs facilities to provide or extend water service or provides or extends such service to the territory, and that territory shall constitute the "service area" of a mutual water company as used in Section 1502.

CHAPTER 1753

An act to amend Section 18500 of the Government Code, relating to the purpose of State Civil Service Act.

[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 18500 of the Government Code is amended to read:

18500. It is the purpose of this part:

(a) To facilitate the operation of Article XXIV of the Constitution.

(b) To promote and increase economy and efficiency in the state service.

(c) To provide a comprehensive personnel system for the state civil service, wherein:

(1) Positions involving comparable duties and responsibilities are similarly classified and compensated.

(2) Appointments are based upon merit and fitness ascertained through practical and competitive examination.

(3) State civil service employment is made a career by providing for security of tenure and the advancement of employees within the service insofar as consistent with the best interests of the state.

(4) The rights and interests of the state civil service employee are given consideration insofar as consistent with the best interests of the state.

(5) A high morale is developed among state civil service employees by providing adequately for leaves of absence, vacations, and other considerations for the general welfare of the employees.

(6) Tenure of civil service employment is subject to good behavior, efficiency, the necessity of the performance of the work, and the appropriation of sufficient funds.

CHAPTER 1754

An act to add Section 6503.8 to the Welfare and Institutions Code, relating to 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 6503.8 is added to the Welfare and Institutions Code, to read:

6503.8. Notwithstanding the provisions of Section 6503 of this code, the Director of General Services, with the consent of the Director of Mental Hygiene, may grant a right-of-way for road purposes to the County of San Bernardino over and along a portion of the Patton State Hospital property adjacent to Arden Way and Pacific Street upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services will be for the best interests of the state.

CHAPTER 1755

An act to amend Section 2290 of, to repeal Section 2291 of, and to add Sections 2291, 2291.1, 2291.2, 2291.3, and 2291.4 to the Health and Safety Code, relating to mosquito abatement 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 2290 of the Health and Safety Code is amended to read:

2290. Any mosquito abatement district organized on or after August 14, 1931, and any such district organized prior to that date that elects to do so by a vote taken at an election called and conducted as provided for an election for a tax to raise additional funds for the district, may provide for the

destruction and extermination of rats in the district; and may include suitable sums for that purpose in its expense estimates, which shall be raised in the manner provided by law for the raising of other sums for the district.

The district board shall supervise and manage the destruction and extermination of rats in the district by the officers, agents, and employees of the district.

SEC. 2. Section 2291 of said code is repealed.

SEC. 3. Section 2291 is added to said code, to read:

2291 Any mosquito abatement district organized on or after the effective date of this section, and any such district organized prior to that date that elects to do so by a vote taken at an election called and conducted as provided for an election for a tax to raise additional funds for the district, may do any of the following:

(a) Undertake or contract for algae research projects and research projects in algae control methods.

(b) Plan and execute projects for algae control by chemical, biological, and physical methods in bodies of water lying wholly or partially within the district.

(c) Establish a monitoring project for the purpose of evaluating algae levels in bodies of water lying wholly or partially within the district.

(d) Contract and cooperate with the United States and the state, including officers, agents, employees, agencies, or instrumentalities of the United States and the state, with respect to the projects enumerated in subdivisions (a) through (c) of this section.

The district board shall do any and all things necessary or incident to the execution of the powers granted to the district by this section, subject to the provisions of Sections 2291.1 to 2291.4 inclusive.

SEC. 4. Section 2291.1 is added to said code, to read:

2291.1. The district board shall determine which of the algae research, algae control, and algae monitoring projects enumerated in Section 2291 shall be carried out and shall determine, as to each project, that it is one of the following:

(a) For the common benefit of the district as a whole.

(b) For the benefit of two or more zones hereinafter referred to as participating zones.

(c) For the benefit of a single zone.

SEC. 5 Section 2291 2 is added to said code, to read:

2291.2. The district board may institute projects for single zones and joint projects for two or more zones, for the financing and execution of algae research, algae control, or algae monitoring projects 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 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 the resolution and which shall contain a general statement of the objectives of any research project and of the operation of any control or monitoring project. 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 shall be at least seven days before such hearing, in a newspaper of general circulation, circulated in such zone or each of the participating zones, if there be such newspaper, and if there be 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 shall designate a public place in such zone or in each of the participating zones where a copy or copies of the resolution may be seen by any interested person. The resolution shall be posted in each of such 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 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 it, unless prior to the conclusion of the hearing a written protest against the proposed project signed by persons representing one-half or more of the assessed valuation of the property within such zone or within any of the participating zones for which the project was initiated, is filed with the board. If such a written protest is filed with the board, further proceedings relating to such project shall 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.

In all matters in this section referred to, the last equalized assessment roll of the county or counties within which a mosquito abatement district lies next preceding the filing of the protest shall be prima facie evidence as to the ownership of 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 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 section on behalf of the estate represented by them. If the property is assessed in the name of such representatives, the fact shall establish the right of such representatives to sign the protest. If it is 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 shall be produced.

Where 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. The party claiming the right to protest for all shall produce the written consent of his coowners or representatives or partners so to do. Where however, property appears to be owned in common or jointly by husband and wife, either may sign the protest without the written consent of the other.

Where 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. If it is 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, such authorization shall be in writing. A proxy executed by an officer or officers thereof, attested by its seal, 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, may sign the protest represented thereby, if he produces a proxy from such former owner, or furnishes 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 may sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor may do so.

The board may 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. Unless satisfactory evidence is furnished, the right to sign the protest may be denied.

SEC. 6. Section 2291.3 is added to said code, to read:

2291.3. The provisions of Section 2291.2 shall be exclusive in determining the proper procedure for the institution of projects under Sections 2291, 2291.1, and 2291.2, any other provision of law notwithstanding.

SEC. 7. Section 2291.4 is added to said code, to read:

2291.4. In addition to the powers enumerated in Article 5 (commencing with Section 2300) of this chapter, the board shall have power, in any year:

(a) To levy taxes or assessments in each or any of the zones and participating zones to pay the cost and expenses of carry-

ing out the projects within or on behalf of the respective zones, according to the benefits derived or to be derived by the respective zones, by a levy or assessment upon all property within a zone or participating zone, including land, improvements thereon, and personal property.

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.

(b) To levy taxes or assessments by the method authorized by subdivision (a) of this section in each or any of the 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 projects enumerated in Section 2291 within or on behalf of the respective zone or zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision (d) of Section 2291, and requiring the making of a contract with any such governmental body for the purposes set forth in Section 2291, by the terms of which contract work is to be performed by any such governmental body in or on behalf of any specified zone or participating zones, for the particular benefit thereof, and by the proposed contract the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after proceedings in the manner prescribed in Section 2291.2, levy and collect a special tax or assessment upon the property in such zone or participating zones, to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Determination of the rate, computation, levy, and collection of such taxes, and the deposit and withdrawal of funds derived therefrom, and the raising of additional funds, shall be accomplished pursuant to Sections 2302 to 2312, inclusive,. No revenues or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision (a) or (b) of this section shall, however, be expended for projects located in or on behalf of any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones shall become, and shall be referred to as, participating zones.

CHAPTER 1756

An act to add Chapter 6 (commencing with Section 18250) to Part 1 of Division 5 of Title 2 of the Government Code, relating to employee awards.

[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 6 (commencing with Section 18250) is added to Part 1 of Division 5 of Title 2 of the Government Code.

CHAPTER 6. EMPLOYEE AWARDS

Article 1. The Governor's Awards

18250. The Governor may each year make an award which shall be known as the Governor's Award to an employee or a group of employees, not to exceed six in number, who, during the preceding year have distinguished themselves by outstanding service to the state.

18252. Employees shall be nominated for the award by the directors of the various state departments and agencies and the Governor shall select from the persons so nominated the persons to whom he shall make the award.

18253. The award shall consist of a suitable medal or trophy.

CHAPTER 1757

An act to add Section 19440.5 to the Business and Professions Code, relating to racing officials.

[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 19440.5 is added to the Business and Professions Code, to read:

19440.5. Stewards and other racing officials appointed or approved by the board and while performing duties required by this chapter or by the board, shall be entitled to the same rights and immunities granted public employees by the provisions of Article 3 (commencing with Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title I of the Government Code.

CHAPTER 1758

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 17, 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 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 districtwide 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 may be 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, 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 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 copy of the petition and 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 notices 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 1759

An act to add Section 15717.5 to the Education Code, relating to junior college facilities.

[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 15717.5 is added to the Education Code, to read:

15717.5 The governing board of a district maintaining a junior college may enter into an agreement pursuant to this article without complying with Sections 15707 to 15711, inclusive, subject to the following conditions, to be ascertained and approved prior to execution of any lease or agreement, by the Department of Finance:

(a) That the agreement be limited to providing dormitory facilities to be made available to pupils enrolled in grades 13 and 14 at any junior college maintained by the district.

(b) That revenues to be produced from the dormitory facilities will be adequate to meet all of the district's obligations thereunder throughout the term thereof.

(c) That under the entire transaction no lien, charge, or liability is to arise against the State of California, against the governing board of the district, or against any of the property or funds of the state, district or governing board.

CHAPTER 1760

An act to amend Sections 743, 743.1, 744, 744.2, 745, 745.1, 745.3, 746, 746.1, 746.23, 746.3, and 746.4, and to repeal Sections 744.1, 745.7, 746.2, 747.1, 747.2, and 748.1, of the Agricultural Code, relating to the Dairy Council of California.

[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 743 of the Agricultural Code is amended to read:

743. There is in the state government the Dairy Council of California which consists of twenty-five (25) members, who shall be citizens and residents of this state. Eleven (11) members of said council shall be actually engaged in the production of milk, or shall represent producers actually engaged in the production of milk. These 11 members are the producer members of the council. Eleven (11) members of said council shall be handlers of dairy products These 11 members are the handler members of the council. Insofar as it is practicable, the proportion of the producer members who produce market milk and the proportion of such members who produce manufacturing milk, and the proportion of the handler members who handle market milk and the proportion of such members who handle manufacturing milk shall be the same as the proportions in which market milk and manufacturing milk are produced in this state as shown by the then most recently available records of the department; but this requirement shall not operate to remove from office any member of the council. The remaining three (3) members of the council shall be producer-handlers who produce a major portion of the milk used in the dairy products handled by them. Officials or members, otherwise qualified, of corporations, associations, and other business units, which are actually engaged in business as producers, producer representatives, handlers, or producer-handlers of dairy products, shall be eligible to be members of the council.

Producer representatives may be nominated in the same manner as provided in Section 744, except that to be eligible for appointment, the producer representative shall furnish

to the director a resolution in writing transmitting the official action of the board of directors of the organization he represents so nominating him.

SEC. 2. Section 743.1 of said code is amended to read:

743.1. No proceedings shall be had pursuant to this chapter unless and until the director has determined as hereinafter provided that 65 percent of the producers and handlers who have voted have assented to the institution of campaigns as provided for in this chapter.

The director shall, from records of the department or any other reliable source, maintain a list of producers of manufacturing milk, producers of market milk, producer-handlers, and handlers.

SEC. 3. Section 744 of said code is amended to read:

744. The terms of office of the members of the board shall be three years. Appointments shall be made so that the terms of eight members shall expire at the end of one year, eight at the end of two years, and nine at the end of three years.

During the month of October of each year, the director shall prepare and mail nomination forms to all producers of manufacturing milk, producers of market milk, producer-handlers, and handlers for the purpose of receiving from them nominations of members of the board. Said forms shall be mailed to the list provided for in Section 743.1. The director shall determine the time permitted to file nominations, which shall not exceed thirty (30) days. Every producer whose major interest in the dairy business is in the production of market milk shall be entitled to nominate a nominee for each membership on the board to be filled by a producer of the same kind. Every producer whose major interest in the dairy business is in the production of manufacturing milk shall be entitled to nominate a nominee for each membership on the board to be filled by a producer of the same kind. Every producer-handler who produces a major portion of the milk used in the dairy products handled by him shall be entitled to nominate a nominee for each producer-handler membership on the board. Each handler shall be entitled to nominate a nominee for each handler membership on the board.

Promptly after termination of the time allowed by the director for filing nominations, the director shall make the required number of appointments.

The board annually shall call and hold a series of joint meetings of producers, producer-handlers, and handlers, who are engaged in business as such in this state, at such times and places in the state as the board shall determine will give a reasonable opportunity to every such producer, producer-handler, and handler to attend one of said meetings, for the purpose of informing them of the activities of the board. Notice of each of said meetings shall be given by publishing notice thereof in a newspaper of general circulation published in the capital of the state, and in such other newspaper or newspapers as the director shall determine to be necessary to give reason-

able notice of said meeting to producers, producer-handlers, and handlers of dairy products in the general area in this state wherein said meeting is to be held. Such notice of meeting shall set forth the time, place, and purpose thereof.

SEC. 4 Section 744.1 of said code is repealed.

SEC. 5. Section 744.2 of said code is amended to read:

744.2. Any vacancy occurring during the unexpired term shall be filled by the director for the unexpired term from the list of eligible nominees from the nominations received by him. The director may remove any member of the board for cause deemed sufficient by him and upon such removal there shall be a vacancy which shall be filled in the manner as hereinbefore provided for the unexpired term.

SEC. 6. Section 745 of said code is amended to read:

745. A majority of the members of the board shall constitute a quorum for the transaction of all business, including the election of officers. The board shall select from its number, to serve at its pleasure, a chairman and vice chairman who, together with at least three, and not more than five, other members selected by the board shall constitute the executive committee of the board. The executive committee shall have and exercise such powers of the board as the board may delegate to it.

The board shall have two (2) regular meetings in each year at times and places fixed by the board The times for regular meetings shall be fixed so that there shall be an interval of at least four (4) calendar months between such meetings. The board may meet in special meetings at any time and place at the call of the chairman The executive committee shall have four regular meetings each year at times and places fixed by it, and may meet in special meetings at any time and place at the call of the chairman.

The appointed members of the board shall receive ten dollars ($10) per day for each day spent in actual attendance at the meetings or on the business of the board and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their official duties.

No member of the board, other than a member of the executive committee, shall receive compensation for more than ten (10) days' service per year. No member of the executive committee shall receive compensation for more than three (3) days' service per month.

SEC. 7. Section 745 1 of said code is amended to read:

745 1. The duties of the board shall be advisory, except as to those duties which may be delegated to it by the director, and may include the following:

(a) To recommend to the director administrative rules and regulations relating to the administration and enforcement of this chapter;

(b) To investigate all matters affecting the administration of this act, and to report violations thereof to the director;

(c) To employ and at its pleasure, discharge a manager and such clerical help and other employees as it deems necessary, and to prescribe their duties and powers and fix their compensation when authorized by the director;

(d) When authorized so to do, to contract with, or employ, and, at its pleasure, discharge, such advertising experts, advertising agencies, and advertising agents as it deems necessary, and in the cases of such of them as it shall employ, to outline their powers and duties and fix their compensation;

(e) To establish offices, and incur expenses incidental thereto;

(f) To recommend to the director the making of such advertising contracts and other agreements as may be necessary to promote the sale of dairy products on either a local, state, national or international basis;

(g) To cooperate with any other local, state, or national commission, organization, or agency, whether voluntary or created by state or national law, and engaged in work or activities similar to the work and activities of the board created by this act, and recommend to the director the making of contracts and agreements with such organizations or agencies for carrying on joint campaigns of research, education, and advertising; provided, however, that in matters of research, the board shall cooperate with organizations of recognized professional standing which are adequately equipped with facilities for the research contemplated.

(h) To recommend to the director the institution and promotion of scientific research to develop and/or discover the health, food, therapeutic, dietetic, and industrial uses of milk and its products and derivatives;

(i) To cooperate with other public and private agencies which are engaged in similar work or activities in order to avoid or minimize any overlapping or duplication of work or conflict.

The exercise of the foregoing powers of the board shall in all instances be subject to the approval of the director.

SEC. 8. Section 745.3 of said code is amended to read:

745.3. The board shall keep accurate books, records, and accounts of all its transactions, dealings, contracts, agreements, funds, and expenditure, which shall at all times be open to inspection and audit by the department and shall be open to inspection by the public during regular office hours. Any ballot filed with the director pursuant to the provisions of this chapter shall be confidential and shall not be divulged except when necessary for the proper determination of any court proceedings or hearing before the director.

SEC. 9. Section 745.7 of said code is repealed.

SEC. 10. Section 746 of said code is amended to read:

746. Each producer and each producer-handler shall pay a fee of five mills ($0.005) per pound milk fat, or fraction thereof, on all milk fat which is produced by him in this state during the months of October and May in each fiscal year and

sold by him in unprocessed form to a handler, or possession or control of which is delivered by him to a handler. Such fees shall be collected by the first handler who purchases, or otherwise acquires possession or control of such milk fat by deducting the same from payments due said producer for milk, cream, or milk fat in any other form. Each producer-handler shall, in addition, pay the aforesaid fees on his own production used by him for processing. For the purposes of this section, a handler who sells unprocessed milk fat, of which he has the right to possession or control by contract or otherwise, to another handler, and delivers said milk fat in unprocessed form to such other handler or causes such milk fat to be delivered to such other handler directly from the producer, shall nevertheless be deemed to be the first handler of such milk fat.

SEC. 11. Section 746.1 of said code is amended to read:

746.1. Each handler in this state, including each producer-handler, shall pay a fee of five mills ($0.005) per pound milk fat or fraction thereof, on all unprocessed milk fat which is purchased by such handler or producer-handler from a producer, or possession or control of which such handler or producer-handler acquires from a producer during the months of October and May in each fiscal year. Each producer-handler shall include in such payment the aforesaid fees computed on his own production and used by him for processing.

SEC. 12. Section 746 2 of said code is repealed.

SEC. 13. Section 746 23 of said code is amended to read:

746.23. If upon a count of the ballots the director finds that 65 percent or more of the total number of producers voting and 65 percent or more of the total number of handlers voting have assented to the additional assessment, he shall make a finding to that effect and shall so notify each producer, producer-handler, and handler of class 1 milk fat. The Dairy Council and the director shall thereupon prepare or revise the annual budget, provided for by this chapter, for the current or ensuing fiscal year to provide for more extensive campaigns of research, advertising, publicity, and education during that year.

In the event of favorable action on the referendum, upon the recommendation of the Dairy Council, the director shall determine the amount of the fees to be paid up to the maximum amount and shall determine the effective period for the fees

The fees imposed shall be the same for producers as for handlers. The fees authorized may be made effective only for those months of the year other than the months of May and October. The fees authorized shall be in addition to the fees authorized in Sections 746 and 746.1 for the months of May and October and shall be collected and handled in the same manner as provided in those sections and in Section 746.3, and shall be used to accomplish the purposes of this chapter.

SEC. 14. Section 746.3 of said code is amended to read:

746.3. (a) The fees prescribed in Sections 746 and 746.1 of this chapter shall be paid to the director by handlers or

producer-handlers, as the case may be, not later than the 30th day after the calendar months mentioned in said sections. All untested milk and cream purchased in bulk and not tested for milk fat content shall be deemed to weigh and test as follows: milk, eight and six-tenths (8.6) pounds per gallon, milk fat content four percent (4%); cream, eight (8) pounds per gallon, milk fat content thirty-two percent (32%); and any fractional or greater measurement shall be on the above basis.

To the amount of fees unpaid when due, there shall be added a penalty of ten percent (10%).

(b) All moneys heretofore or hereafter collected by the director pursuant to this chapter shall be deposited in a bank or banks, or other depository, approved by the Director of General Services. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the director. The expenditure of such funds shall be exempt from the provisions of Section 925.6 of the Government Code. All such expenditures by the director shall be audited at least every two years by the Department of General Services and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Director of Agriculture and the Controller. Any moneys in the State Treasury to the credit of the "State Dairy Products Trust Fund" shall be withdrawn and deposited in accordance with the provisions of this paragraph.

(c) All moneys collected by the director pursuant to this chapter are hereby appropriated to the Department of Agriculture to carry out the duties imposed upon the director and the board under the provisions of this chapter. The appropriation herein made shall be exempted from the operation of Section 16304 of the Government Code. The moneys collected by the director pursuant to this chapter shall be disbursed by the director only for the necessary expenses incurred by the board and the director to carry out the purposes of this chapter, including the payment of refunds authorized hereunder. The director may disburse said funds in authorized activities related to particular dairy products without reference to the branches of the dairy industry from which said funds are derived.

(d) Moneys deposited by the director pursuant to this section, which the director determines are available for investment, may be invested or reinvested by the State Treasurer in any of the securities described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing with Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. For such purposes such moneys may also be combined with funds determined by the director to be available for investment pursuant to Section 1300.17 of this code. Any increment received from such investment or reinvestment or deposit shall be remitted to the di-

rector for allocation. The State Treasurer may deduct from such remittance an amount equal to the reasonable costs incurred in carrying out the provisions of this section or may bill the director for the costs and the director shall pay the costs from moneys collected pursuant to this chapter.

(e) The director, after consultation with the board, shall prepare an annual budget setting forth in reasonable detail the proposed expenditures which he deems necessary for the performance by him and by the department of the duties imposed upon them by this chapter, and he shall prepare and submit to the board an annual statement, in reasonable detail, of his expenditures hereunder.

The director, by action prosecuted by him, may recover from handlers and producer-handlers all fees which, as prescribed herein, have been or should have been collected by them on milk fat of producers and on producer-handlers' own production and fees on milk fat which they purchased or possession or control of which was acquired by them, or which they produced and used for processing, and all penalties which may have accrued thereon under the provisions of this chapter.

SEC. 15. Section 746.4 of said code is amended to read:

746.4. All handlers, including producer-handlers, shall keep complete and accurate records of all milk fat which they purchase, or possession or control of which they acquire from producers in the form of unprocessed milk, cream, or in any other unprocessed form. Producer-handlers shall include their own production in such records. They shall also keep complete and accurate records of all milk fat utilized by them for processing. Such records shall be in such form and contain such information, relevant to the purposes of this chapter, as the director may, by order or regulation, prescribe, shall be preserved for a period of two (2) years, and shall be open to inspection at any time on the request of the director. The director may, by rule, order, or regulation, require every such handler and producer-handler to file with him returns on forms to be prescribed and furnished by him, giving the information, or any part thereof, of which said first handlers are required to keep records, as aforesaid. In the case of any failure of any handler or producer-handler to make adequate returns, when required, the director shall estimate the amount of delinquency from the records of the department, or from such other source or sources of information as may be available, and in any action by the director to recover fees hereunder, a certificate of the director showing the amount determined by it to be required to be paid by the person required to pay the fees shall be prima facie evidence of the fact of delinquency of the amount due.

SEC. 16. Section 747.1 of said code is repealed.

SEC. 17. Section 747.2 of said code is repealed.

SEC. 18. Section 748.1 of said code is repealed.

CHAPTER 1761

An act to add Article 35 (commencing with Section 74900) to Chapter 10 of Title 8 of the Government Code, relating to municipal 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. Article 35 (commencing with Section 74900) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 35. Ventura County

74900. This article applies to the municipal court established in a judicial district embracing the County of Ventura to be formed by an ordinance of the Board of Supervisors of the County of Ventura consolidating the Ventura, Oxnard-Port Hueneme, Moorpark-Camarillo, Fillmore, Santa Paula, and Ojai Judicial Districts. The consolidated judicial district shall be known as the Ventura County Municipal Court District.

74901. There shall be seven judges. The judges of the municipal and justice courts superseded by consolidation of the judicial districts shall, if eligible, automatically succeed to the judgeships of the Ventura County Municipal Court District.

74902. A judge automatically succeeding to a judgeship in the Ventura County Municipal Court District shall continue to hold office in such district for the remainder of the term to which he was elected or appointed in the superseded judicial district and until his successor is elected and qualifies. In no event shall such judge or his successor be elected at any election held within 18 months of the date of adoption or the operative date, whichever is later, of the ordinance adopted by the board of supervisors fixing for the first time the boundaries of the consolidated district. A judge or his successor shall be elected at the first general state election held following the expiration of the 18 months period referred to herein.

74903. A majority of the judges of the Ventura County Municipal Court may adopt rules and procedures for the conduct of judicial business and matters connected with judicial administration within the district which are not inconsistent with law or with the rules adopted and prescribed by the Judicial Council.

74904. Any judge of the Ventura County Municipal Court sitting in any department of the court or at any session situated or held at a place other than the place designated for holding regular sessions of the department of the court to which he is regularly assigned shall receive from the county the amount of the actual and necessary traveling expenses incurred by him. Traveling expenses shall not be computed upon a

greater distance than that between the place regularly assigned and the place temporarily sitting. Each judge shall be regularly assigned to a particular department by the presiding judge for the purposes of this section. Unless and until otherwise determined by a majority of the judges of the Ventura County Municipal Court, with the approval of the board of supervisors, municipal court sessions shall be held in the Cities of Ventura, Oxnard, Port Hueneme, Camarillo, Fillmore, Santa Paula, and Ojai. A majority of the judges of the Ventura County Municipal Court, with the approval of the board of supervisors, shall designate any additional places within the district where municipal court sessions shall be held and shall designate the principal office of each municipal court department.

74905. There shall be one Clerk of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The clerk shall receive a salary of twelve thousand dollars ($12,000) a year. Sections 71086 and 71091 of this code shall not be applicable to the appointment of the clerk.

74906. There shall be one Marshal of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The marshal shall receive a salary of ten thousand dollars ($10,000) a year. Sections 71086 and 71091 of this code shall not be applicable to the appointment of the marshal.

74907. The Clerk of the Ventura County Municipal Court may appoint 3 assistant municipal court clerks II, 3 assistant municipal court clerks I, 3 supervising municipal court clerks, 4 deputy clerks IV, 17 deputy clerks III, 9 deputy clerks II, 4 deputy clerks I. The clerks, permanent attachés and employees of the courts in the superseded judicial districts shall automatically succeed to positions in the Ventura County Municipal Court with equal or higher salary. The municipal court clerks and justice court clerks of the superseded courts shall automatically succeed to the positions of assistant municipal court clerks II and assistant municipal court clerks I respectively.

74908. The Marshal of the Ventura County Municipal Court may appoint 3 assistant marshals II, 3 assistant marshals I, 3 marshal's sergeants, 12 deputy marshals, 3 senior typist-clerks, 3 intermediate typist-clerks, two typist-clerks. The marshals, constables, permanent attachés and employees of the courts in the superseded judicial districts shall automatically succeed to positions in the Ventura County Municipal Court with equal or higher salary. The marshals and constables of the superseded courts shall automatically succeed to the positions of assistant marshals II and assistant marshals I respectively. An elected marshal or constable shall be entitled to remain in the position to which he automatically succeeds for the remainder of the term to which he was elected in the superseded judicial district or for a term of three years from

the operative date of the consolidation ordinance, whichever term is longer.

74909. The following salary schedule shall apply to all persons employed by the Ventura County Municipal Court:

Range	First step	Second step	Third step	Fourth step	Fifth step
7.0	$270	$283	$298	$315	$330
7.5	277	290	306	323	338
8.0	283	298	315	330	348
8.5	290	306	323	338	357
9.0	298	315	330	348	366
9.5	306	323	338	357	375
10.0	315	330	348	366	384
10.5	323	338	357	375	394
11.0	330	348	366	384	403
11.5	338	357	375	394	413
12.0	348	366	384	403	423
12.5	357	375	394	413	434
13.0	366	384	403	423	445
13.5	375	394	413	434	456
14.0	384	403	423	445	466
14.5	394	413	434	456	478
15.0	403	423	445	466	490
15.5	413	434	456	478	502
16.0	423	445	466	490	515
16.5	434	456	478	502	528
17.0	445	466	490	515	540
17.5	456	478	502	528	554
18.0	466	490	515	540	567
18.5	478	502	528	554	581
19.0	490	515	540	567	595
19.5	502	528	554	581	610
20.0	515	540	567	595	626
20.5	528	554	581	610	642
21.0	540	567	595	626	657
21.5	554	581	610	642	673
22.0	567	595	626	657	690
22.5	581	610	642	673	707
23.0	595	626	657	690	723
23.5	610	642	673	707	741
24.0	626	657	690	723	760
24.5	642	673	707	741	779
25.0	657	690	723	760	798
25.5	673	707	741	779	818
26.0	690	723	760	798	838
26.5	707	741	779	818	859
27.0	723	760	798	838	879
27.5	741	779	818	859	901
28.0	760	798	838	879	923

Range	First step	Second step	Third step	Fourth step	Fifth step
28.5	779	818	859	901	946
29.0	798	838	879	923	969
29.5	818	859	901	946	993
30.0	838	879	923	969	1,017

This salary schedule is the same schedule utilized for employees of Ventura County. Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to the positions in the Ventura County Municipal Court in the same manner and on the same date as for county employees, but all such adjustments shall be effective no longer than 90 days after the adjournment of the next regular session of the Legislature.

The classes of positions provided in this article are allocated to the salary schedule as follows:

(a) Assistant municipal court clerk II ..... Range 24.5
(b) Assistant municipal court clerk I ..... Range 19.0
(c) Supervising municipal court clerk ..... Range 19.0
(d) Deputy court clerk IV ..... Range 17.0
(e) Deputy court clerk III ..... Range 14.0
(f) Deputy court clerk II ..... Range 11.0
(g) Deputy court clerk I ..... Range 9.0
(h) Assistant marshal II ..... Range 22.5
(i) Assistant marshal I ..... Range 19.5
(j) Marshal's sergeant ..... Range 19 5
(k) Deputy marshal ..... Range 18.5
(*l*) Senior typist-clerk ..... Range 14.0
(m) Intermediate typist-clerk ..... Range 11.0
(n) Typist-clerk ..... Range 9.0

74910. If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, with the approval of a majority of the judges of the court and the board of supervisors, the clerk or the marshal may appoint as many additional attachés or employees as are needed. The additional attachés or employees shall be selected and appointed in the same manner as those for whom express provision is made, and they shall receive salary and compensation as prescribed in this article or as prescribed in the Ventura County Salary Ordinance for classes not expressly provided for in this article. Additional attachés and employees may continue in such positions not longer than 90 days after the adjournment of the next regular session of the Legislature. The provisions of this section are directory only and are not mandatory and are not intended to affect the application of Section 72150 of this code.

74911. All officers, attachés and employees of the Ventura County Municipal Court shall be entitled to anniversary dates and salary step increases in the manner provided in the Ventura County Salary Ordinance and shall receive the same vacation, sick leave, leave of absence, overtime and similar privileges and benefits provided for the officers and employees of Ventura County.

Except as otherwise provided in this article, the provisions of the Ventura County Ordinance Code relating to the civil service system of the county and the Rules of the Civil Service Commission adopted pursuant thereto, shall be applicable to all officers, attachés and employees of the Ventura County Municipal Court in the same manner and to the same extent as applicable generally to the officers and employees of Ventura County and the Ventura County Civil Service Commission shall exercise the same jurisdiction over the officers, attachés and employees of the Ventura County Municipal Court as it exercises over the officers and employees of the county.

74912. (a) Certain classifications in the Ventura County Municipal Court are deemed to be equivalent in position responsibility and salary level to certain classifications in the service of Ventura County and whenever the salary of a classification in the Ventura County service is adjusted by the board of supervisors, the salary of the equivalent classification in the Ventura County Municipal Court shall be adjusted an equivalent amount. 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 classifications in the Ventura County service, but such adjustments shall be effective no longer than 90 days after the adjournment of the next regular session of the Legislature.

(b) The classes of deputy clerk I and typist-clerk are equivalent in position responsibility and salary level to the class of typist-clerk in the Ventura County service. The classes of deputy clerk II and intermediate typist-clerk are equivalent to intermediate typist-clerk in the Ventura County service. The classes of deputy clerk III and senior typist-clerk are equivalent to senior typist-clerk in the Ventura County service. The class of marshal's sergeant is equivalent in position responsibility and salary level to the class of deputy sheriff in the service of Ventura County.

(c) Whenever the salary of the class of deputy clerk II is adjusted as described above, the salaries of the classes of deputy clerk IV, supervising municipal court clerk, assistant municipal court clerk I and assistant municipal court clerk II shall be adjusted an equivalent number of ranges or steps on the salary schedule. Whenever the salary of the class of marshal's sergeant is adjusted as described above, the salaries of the classes of deputy marshal, assistant marshal I and assistant marshal II shall be adjusted an equivalent number of ranges or steps on the salary schedule.

74913. A majority of the judges of the Ventura County Municipal Court may adopt rules for the conduct of the officers, attachés and employees of the Ventura County Municipal Court not inconsistent with the Ventura County Civil Service Ordinance and Rules and the Ventura County Salary Ordinance.

74914. A majority of the judges of the Ventura County Municipal Court may establish an area surrounding the place where a session of court is being held comprising a population of at least 10,000 from which trial jurors for such session of the court shall be selected.

74915. If the ordinance consolidating the judicial districts in Ventura County is held invalid, the courts and judicial districts which existed immediately prior to the effective date of the ordinance shall be automatically reestablished and shall be governed by the provisions of this code applicable to those districts immediately prior to consolidation.

SEC. 2. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1762

An act to amend Section 7027 of the Education Code, and to amend Section 7027 of the Education Code as proposed to be amended by Assembly Bill No. 821 of the 1965 Regular Session relating to rehabilitation services.

[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 7027 of the Education Code is amended to read:

7027. Vocational rehabilitation services may only be provided any disabled individual who is of employable age or may be expected to be of employable age upon completion of rehabilitation services:

(a) For whom it has been determined vocational rehabilitation may be satisfactorily achieved;

(b) Who has resided within the state for one year, or who is eligible therefor under terms of an agreement with another state or the federal government;

(c) Who is found to be in financial need with respect to rehabilitation services, except that diagnosis and evaluation, counseling, rehabilitation training, and job placement shall be made available without regard to financial need.

SEC. 2. Section 7027 of said code as proposed to be amended by Assembly Bill No. 821 is amended to read:

7027. Vocational rehabilitation services may only be provided any disabled individual who is of employable age or may be expected to be of employable age upon completion of rehabilitation services:

(a) For whom it has been determined vocational rehabilitation may be satisfactorily achieved;

(b) Who is found to be in financial need with respect to rehabilitation services, except that diagnosis and evaluation, counseling, rehabilitation training, and job placement shall be made available without regard to financial need.

SEC. 3. Section 2 of this act shall become operative only if Section 7027 of the Education Code as proposed to be amended by Assembly Bill No. 821 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 821 takes effect; at which time Section 7027 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1763

An act to amend Section 10751 of the Education Code, relating to 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 10751 of the Education Code is amended to read:

10751. No teacher, principal, employee, or governing board member of any public, private, or parochial school, including colleges and universities, shall give out any personal information concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) A parent or guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by the parent or guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) An officer or employee of the United States, the State of California, or a city, city and county, or county seeking information in the course of his duties.

(e) An officer or employee of a public or private guidance or welfare agency of which the pupil is a client.

Restrictions imposed by this act are not intended to interfere with the giving of information by school personnel con-

cerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information Notwithstanding the restrictions imposed by this section, an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff, and rosters or lists containing the names and addresses of seniors in public, private, or parochial high schools or junior colleges may be furnished to private business or professional schools and colleges.

CHAPTER 1764

An act to add Section 22775.5 to the Government Code, relating to Meyers-Geddes State Employees' Medical and Hospital Care Act.

[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 22775.5 is added to the Government Code, to read:

22775.5. It is the policy of the Legislature that benefits under health benefits plans shall be integrated with benefits under federal or state plans for hospital and health care for the aged in which there is federal or state financial participation. The board shall adopt necessary rules and regulations. Notwithstanding any other provision of this part, such rules and regulations may establish exclusions and limitations with respect to benefits and different rates within plans for employees or annuitants eligible to benefits under such other plans, or provide for enrollment of such employees or annuitants only in separate plans.

CHAPTER 1765

An act to amend Section 244 of the Government Code, relating to rules of residence.

[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 244 of the Government Code is amended to read:

244. In determining the place of residence the following rules are to be observed:

(a) It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.

(b) There can only be one residence.

(c) A residence cannot be lost until another is gained.

(d) The residence of the father during his life, and after his death the residence of the mother, while she remains unmarried, is the residence of the unmarried minor child, provided that when the parents are separated, the residence of the parent with whom an unmarried minor child maintains his place of abode is the residence of such unmarried minor child.

(e) The residence of the husband is the residence of the wife, provided that a married woman who is separated from her husband may establish her own residence.

(f) The residence of an unmarried minor who has a parent living cannot be changed by his own act.

(g) The residence can be changed only by the union of act and intent.

CHAPTER 1766

An act to amend Section 23754 of the Education Code, relating to state 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 23754 of the Education Code is amended to read:

23754. Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student shall not be less than three hundred sixty dollars ($360) per year, except that the rate of tuition to be paid by each nonresident student who is a citizen and resident of a foreign country shall be two hundred fifty-five dollars ($255) per year.

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

No admission fee or tuition fee shall be required of any nonresident student who is the child or spouse of an academic or administrative employee of the California State Colleges.

No admission fee or tuition fee shall be required of any minor student who is the child of, and who maintains his place of abode, with a resident of this state.

CHAPTER 1767

An act to add Section 12154.5 to the Education Code, relating to school attendance.

[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 12154.5 is added to the Education Code, to read:

12154.5. Children who are mentally gifted and who are being instructed in a private full-time day school by persons capable of teaching, where all or part of the courses of instruction required to be taught in the public schools of this state is taught in a foreign language with not less than 50 percent of the total daily instructional time taught in the English language, shall be exempted. The attendance of the pupils shall be kept pursuant to Section 12154.

CHAPTER 1768

An act to amend Sections 21681, 21682, 21683, 21684, 21685, and 21686 of, and to add Sections 21687, 21688, 21689, and 21690 to, the Public Utilities Code, relating to the Airport Assistance Fund.

[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 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.

SEC. 7. Section 21687 is added to said code, to read:

21687. "Airport and aviation purposes" means expenditures of a capital improvement nature, including, but not limited to, expenditures for the following purposes:

(a) Land acquisition for improvement and development of airports

(b) Reconstruction of existing runways.

(c) Construction of new runways and existing taxiways.

(d) Major projects for resurfacing runways or taxiways.

(e) Construction of airport aprons available for public parking, storage, or service.

(f) Installation of runway, taxiway, obstruction, or apron lights, and associated transformers, control panels, generator vaults, auxiliary power, or electrical vaults.

(g) Wind direction indicators or segmented circle and landing direction indicators.

(h) Boundary markers.

(i) Airport communication or navigation aids.

Expenditures which cannot be clearly identified as capital improvements must be submitted to the Division of Aeronautics for consideration and approval.

SEC. 8. Section 21688 is added to said code, to read:

21688. "Own and operate" means that the public entity must own property in fee simple or by a long-term lease of a minimum of twenty (20) years, unless otherwise approved by the Division of Aeronautics and must maintain dominion and control of the property. Operations of the airport will be for and on behalf of the public entity.

All leases to the public entity of property must be approved by the Division of Aeronautics.

Lease of the property to an agent or agency other than the public entity does not meet the criteria for participation in airport assistance funds.

SEC. 9. Section 21689 is added to said code, to read:

21689. "Matching funds" means new moneys that must be provided each year by the public entity. Previous fund balances, previous matching funds, and funds received from state and federal agencies shall not be used for the purpose of "matching."

SEC. 10. Section 21690 is added to said code, to read:

21690. It shall be the duty of the State Controller to make such audit or audits of the books and records of public agencies receiving payments or allocations under this article as he may deem necessary from time to time for the purpose of determining that the money received by such public agencies as payments or allocations hereunder has been expended for the purposes and under the conditions authorized by this article.

SEC. 11. Notwithstanding any other provision of law, no money from the Airport Assistance Fund shall be available for expenditure in aiding or assisting port districts or the University of California until specifically appropriated therefore by the Legislature

CHAPTER 1769

An act to add Sections 263.5 and 568 to the Streets and Highways Code, relating to state highways.

[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 263.5 is added to the Streets and Highways Code, to read:

263.5. The state scenic highway system shall also include State Highway Route 268.

SEC. 2. Section 568 is added to said code, to read:

568. Route 268 is from Route 27 to Route 405, via Mulholland Drive.

The commission may allocate from the State Highway Fund the necessary funds for the acquisition of right-of-way and construction of all or any portion of said route when the City of Los Angeles and the County of Los Angeles have entered into a cooperative agreement with the department wherein said city and said county each agree to pay at least fifteen percent (15%) of the cost of such acquisition and construction and said city furnishes the State of California without charge plans for said construction, which plans shall be subject to the approval of the department.

CHAPTER 1770

An act to add Article 10.5 (commencing with Section 70000) to Chapter 5 of Title 8 of the Government Code, relating to superior court reporters.

[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 10.5 (commencing with Section 70000) is added to Chapter 5 of Title 8 of the Government Code, to read:

Article 10.5. Official Reporters in Counties with a Population of 10,000 to 10,500

70000. In each county with a population of more than 10,000 and less than 10,500, as determined by the 1960 federal census, to assist the court in the transaction of its judicial business, a majority of the judges of the superior court for such county may appoint one official phonographic reporter to report the proceedings in the court. The reporter shall hold office during the pleasure of a majority of the judges of the court. The reporter shall perform the duties and be allowed the fees as elsewhere provided by law.

CHAPTER 1771

An act to amend Section 19685 of the Education Code, relating to state school building aid.

[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 19685 of the Education Code is amended to read:

19685. With the approval of the county superintendent of schools, a school district may make application for an allocation under this article (Sections 19681 to 19689, inclusive). Facilities for which an apportionment is made under this section shall be made available for use by the county superintendent of schools until he ceases to conduct such classes therein or until the superintendent of schools of a county other than the county whose superintendent of schools approved the application made under this section acquires jurisdiction over the location of such facility, whichever first occurs. Not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: Ten percent of the amount of the apportionment shall be subject to repayment by the district to the extent, and in the manner prescribed in Article 1 (Sections 19551 to 19632, inclusive) of this chapter for apportionments other than those made pursuant to Section 19577. Forty percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and over such period as the board may determine, not to exceed 20 years from the date the apportionment became final. The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than

the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to the amount the district is required to repay in said fiscal year with respect to the 40 percent of the amount of the apportionment described above.

The county board of supervisors may raise the amount required through a general tax levy or through a tuition charge not to exceed one hundred sixty dollars ($160) a year per pupil by the county superintendent of schools to the school districts of residence of pupils attending the facility other than the district having the obligation to repay or through a combination of these.

Upon application of a school district and written approval of the county superintendent of schools the board may amend any apportionment previously received by a district for exceptional children by providing that the same shall be deemed to have been made with reference to this section, in which event all the incidents of this section shall be deemed applicable thereto, except that only the unpaid balance of said apportionment at the time of the aforesaid amendment of the apportionment with interest accrued to said date shall be repaid as prescribed in this section.

CHAPTER 1772

An act to amend Section 21364 of the Government Code, relating to retirement 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 21364 of the Government 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 the deceased's final compensation in the membership category applicable to such person at the time of the injury or the onset of the disease causing death, payable to the surviving spouse to whom the deceased was married prior to sustaining the injury or disease resulting in death, as long as the spouse lives or until remarriage; or if there is no surviving spouse, or if the spouse dies or remarries before all children of the deceased member attain

age 18, then the allowance which the surviving spouse would have received had such person lived and not remarried, shall be paid to the deceased's 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 surviving spouse or until he or 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 surviving spouse of a member who is killed in the performance of 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 duty, for each of the deceased's 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 surviving spouse 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 such deceased person in the position first held by the deceased in that category.

(c) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving spouse, of the deceased's accumulated additional contributions at the date of deceased's death, plus deceased's accumulated contributions at that date based on compensation earned in any membership category other than the category applicable to the deceased at the time of the injury or the onset of the disease causing death.

(d) The amendments to this section enacted at the 1961 Regular Session shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the amendments to this section by amendment to its contract or by an express provision in the contract making the contracting agency subject to the amendments in the case of a contract made after the effective date of the amendments.

Surviving spouse for purposes of this section means a surviving wife or surviving dependent husband.

CHAPTER 1773

An act to amend Sections 21364, 21364.5 and 31787.5 of the Government Code, and to amend Section 4707 of the Labor Code, relating to retirement 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 21364 of the Government 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, to his children under 18 collectively until every child dies or attains 18. During the lifetime of the widow or until she remarries, an additional amount shall be paid to the widow of a member who is killed in the performance of his duty or who dies as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, for each of his children during the lifetime of the child, or until the child marries or reaches the age of 18, as follows: for one child, twenty-five percent (25%) of the death benefit allowed by this section; for two children, forty percent (40%) of the death benefit; and for three or more children, fifty percent (50%) of the death benefit.

In the event the widow does not have custody of the member's children, the additional amount payable pursuant to this section shall be payable to the person having custody of the children for each child during the lifetime of the child, or until the child marries or reaches the age of 18.

The computation for time prior to entering the membership category applicable to the deceased at the time of the injury or the onset of the disease causing death shall be based on the compensation earnable by him in the position first held by him in that category.

(c) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving wife, of the deceased's accumulated additional contributions at the date of

his death, plus his accumulated contributions at that date based on compensation earned in any membership category other than the category applicable to him at the time of the injury or the onset of the disease causing death.

(d) On and after October 1, 1965, the provisions of this section shall apply to all contracting agencies and to the employees of all contracting agencies whether or not such agencies have previously elected to be subject to the provisions of this section.

Any child whose eligibility for an allowance pursuant to this section, commenced on or after October 1, 1965, shall lose that eligibility effective on the date of his adoption.

SEC. 2. Section 21364.5 of said code is amended to read:

21364.5. Every special death benefit payable for time commencing October 1, 1965, is hereby increased to the amount it would be if the provisions of Section 21364, as they exist on the said date, had been in effect on the date of the death of the member; but this section does not authorize any decrease in any such special death benefit, nor does this section give any recipient of a special death benefit, or his successors in interest, any claim against the state for any increase in any special death benefit paid or payable for time prior to October 1, 1965. Calculations of benefits payable under this section and Section 21364 shall be made on the basis of current interest rate and mortality tables

SEC. 3. Section 31787.5 of said code is amended to read:

31787.5. Any widow of a member who is killed in the performance of his duty or who dies as the result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, now or hereafter entitled to receive a death allowance under Section 31787 shall, during her lifetime or until she remarries, be paid an additional amount for each of his children during the lifetime of the child, or until the child marries or reaches the age of 18 years, as follows:

(a) For one child, twenty-five percent (25%) of the allowance provided in Section 31787.

(b) For two children, forty percent (40%) of the allowance provided in Section 31787.

(c) Three or more children, fifty percent (50%) of the allowance provided in Section 31787.

In the event the widow does not have custody of the member's children, the allowance provided by this section shall be payable to the person having custody of the children for each child during the lifetime of the child, or until the child marries or reaches the age of 18.

The allowance provided by this section shall be payable to the widows of members whose duties consist of active law enforcement or active fire suppression or such other class or group of members as the retirement board shall fix.

Any child whose eligibility for an allowance pursuant to this section commenced on or after October 1, 1965, shall lose that eligibility effective on the date of his adoption.

This section shall become operative in any county, which has adopted the provisions of this chapter but which has not previously adopted the provisions of this section on October 1, 1965. Each widow of a member or other person having custody of a member's child or children who is paid an additional amount for each of the member's children because of the amendments to this section enacted at the 1965 Regular Session shall receive such payments as they accrue from and after October 1, 1965, but such widow or other person shall not be given a claim for any increase in such benefits for a time prior to such date.

SEC. 4. This act shall be operative October 1, 1965.

CHAPTER 1774

An act to amend Section 22700 of the Education Code, relating to the Co-ordinating Council for Higher Education.

[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 22700 of the Education Code is amended to read:

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

higher education as a governing board member or as a staff member, in an academic or administrative capacity and shall be appointed by the Governor after consultation with an association or associations of such private institutions and subject to confirmation by the Senate. The general public shall be represented by six members appointed by the Governor subject to confirmation by the Senate. The terms of the appointments made pursuant to this section shall be as follows:

(a) The three representatives appointed by the regents shall serve until the first meeting of the regents in the next succeeding calendar year following their appointment.

(b) The trustees appointed by the trustees shall serve until the first meeting of the trustees in the next succeeding calendar year following his appointment.

(c) The member of the State Board of Education or its chief executive officer who represents the public junior colleges shall serve until the first meeting of the board in the next succeeding calendar year following his appointment.

(d) Except as otherwise provided in this subdivision, the term of office of all of the other members of the council appointed pursuant to this section is four years, and they shall hold office until the appointment of their successors.

The terms of such members in office on November 1, 1965, shall expire as follows:

(1) The term of the member who, as a member of a local public junior college governing board, is representing the public junior colleges, the term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1965.

(2) The term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1966.

(3) The term of the member who, as a public junior college administrator, is representing the public junior colleges and the term of one of the members representing the public shall expire on November 1, 1967.

(4) The term of the other member representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1968.

(5) The terms of the other two members representing the public shall expire on November 1, 1969.

On or before November 1, 1965, the Governor shall designate the order in which the terms of his appointees expire pursuant to this subdivision.

(e) Any person appointed pursuant to this section may be reappointed to serve additional terms.

No appointing authority specified in this section shall appoint any person to alternate membership on the council with the following exceptions who shall be appointed by the appropriate appointing authority: two alternates for the president

and the two representatives of the regents: two alternates for the chancellor and the two representatives of the trustees, and one alternate for the one representative of the State Board of Education. Each alternate shall be a member of the appropriate appointing authority and shall be appointed for an annual term.

No person appointed pursuant to this section shall, with respect to any matter before the council, vote for or on behalf of, or in any way exercise the vote of, any other member of the council.

CHAPTER 1775

An act to add Section 35708 to the Streets and Highways Code, relating to parking 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 35708 is added to the Streets and Highways Code, to read:

35708. At any time following the formation of a district under this part and the issuance of the initial issue of bonds, any parcel of land may be added to the 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 parking place commission of the district and until a determination has been made by the legislative body and approved by the parking place commission as to the amount, if any, to be paid by such petitioner as an annexation fee and until the owner of such parcel has paid to the city such total fee, if any. The amount paid to the city shall be placed in the fund in which the proceeds of an ad valorem assessment would be placed. 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 ad valorem assessments thereafter levied in the district under this part.

CHAPTER 1776

An act to amend Section 25457.5 of the Education Code, relating to junior college district organization.

[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 25457.5 of the Education 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.

CHAPTER 1777

An act to add Chapter 2.8 (commencing with Section 7831) to Division 7 of the Education Code, relating to adult education.

[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 2.8 (commencing with Section 7831) is added to Division 7 of the Education Code, to read:

CHAPTER 2.8. ADULT SCHOOL COURSES

7831. A course of study for each adult school shall be prepared under the direction of the governing board of the district maintaining the adult school and shall be subject to the approval of the State Department of Education.

7832. The course of study may include instruction designed to fit the needs of adults in the fields of civic, vocational, literacy, homemaking, technical and general education.

7833. The governing board of any school district maintaining an adult school shall have authority with the approval of the State Department of Education to establish a prescribed course in elementary subjects appropriate to needs of adults.

7834. The governing board of each district maintaining an adult school and offering an elementary program shall prescribe requirements for eighth grade graduation from the adult school.

7835. The governing board of any school district maintaining an adult school shall with the approval of the State Department of Education prescribe the requirements for the granting of diplomas in conformity with the provisions of Section 7901 and Section 7904.

7836. No state funds shall be apportioned to any districts on account of the attendance of students enrolled in adult schools unless the courses have been approved by the State Department of Education.

CHAPTER 1778

An act to amend Sections 2192, 2246, 2288, and 2292 of the Business and Professions Code, relating to the practice of medicine.

[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 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 for all applicants who matriculate before September 1, 1965, 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

The curriculum for all applicants who matriculate on or after September 1, 1965, 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
Radiology, including roentgenologic technique and radiation safety
Medicine
Pediatrics
Psychiatry
Neurology
Dermatology
Physical medicine
Therapeutics
Tropical medicine
Surgery, including
Orthopedic surgery
Urology
Ophthalmology
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.

SEC. 2. Section 2246 of said code is amended to read:

2246. Each applicant shall show by transcripts or other evidence satisfactory to the board that he has attended four resident courses of professional instruction in a school approved by the board covering at least 4,000 hours

Each hour does not include the time consumed by examinations or tests and shall not be less than 50 consecutive minutes. Not more than eight hours' work is to be credited to any student in any one day of 24 hours. Each course shall not be of less than 32 weeks' duration At least 11 months shall intervene between the beginning of any course and the beginning of the preceding course, but these courses need not necessarily have been pursued continuously or consecutively.

The curriculum for all applicants who matriculate before September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
  Embryology
  Histology
Physiology
Biochemistry
Bacteriology
Pathology
Immunology
Pharmacology
  Materia medica
  Toxicology
Preventive medicine
Hygiene
Shoe therapy
Physical therapy
Foot orthopedics
Didactic podiatry
Podiatric medicine
Physical and laboratory diagnosis
Neurology
Psychology
Dermatology
Syphilology
Podiatric surgery
Orthopedic surgery
Roentgenology

The curriculum for all applicants who matriculate on or before September 1, 1965, shall provide for adequate instruction in the following:

Anatomy
  Embryology
  Histology
Physiology
Biochemistry
Bacteriology
Pathology
Immunology
Pharmacology
  Materia medica
  Toxicology
Preventive medicine
Hygiene
Shoe therapy
Physical therapy
Foot orthopedics
Didactic podiatry
Podiatric medicine
Physical and laboratory diagnosis
Neurology
Psychology
Dermatology
Syphilology
Podiatric surgery
Orthopedic surgery
  Roentgenologic technique and radiation safety

SEC. 3. Section 2288 of said code is amended to read:

2288. Applicants for a physician's and surgeon's certificate under Article 5, who matriculate before September 1, 1965, shall pass an examination in the following subjects:

(a) Anatomy—gross, microscopic, and surgical.
(b) Physiology.
(c) Bacteriology and pathology.
(d) Biochemistry.
(e) Obstetrics and gynecology.
(f) General medicine, and therapeutics.
(g) General surgery, and the therapeutics of surgery.
(h) Public health and preventive medicine.
(i) Pediatrics.

Applicants for a physician's and surgeon's certificate under Article 5, who matriculate on or after September 1, 1965, shall pass an examination in the following subjects:

(a) Anatomy—gross, microscopic, and surgical.
(b) Physiology.
(c) Bacteriology and pathology.
(d) Biochemistry.
(e) Obstetrics and gynecology.
(f) General medicine, and therapeutics.
(g) General surgery, and the therapeutics of surgery, including roentgenologic technique and radiation safety.
(h) Public health and preventive medicine.
(i) Pediatrics.

SEC. 4. Section 2292 of said code is amended to read:

2292. Applicants for a certificate to practice podiatry under Article 8, who matriculate before September 1, 1965, shall pass an examination in the following subjects:

(a) Anatomy and histology.
(b) Physiology, chemistry and hygiene.
(c) Pathology and bacteriology.
(d) Dermatology and syphilis.
(e) Orthopedics and surgery.
(f) Podiatry and therapeutics.

Applicants for a certificate to practice podiatry under Article 8, who matriculate on or after September 1, 1965, shall pass an examination in the following subjects:

(a) Anatomy and histology.
(b) Physiology, chemistry and hygiene.
(c) Pathology and bacteriology.
(d) Dermatology and syphilis.
(e) Orthopedics and surgery.
(f) Podiatry and therapeutics.
(g) Roentgenologic technique and radiation safety.

CHAPTER 1779

An act to add Sections 601.1 and 708 to the Education Code, relating to 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 601.1 is added to the Education Code, to read:

601.1. (a) In those counties where the county superintendent of schools has jurisdiction over a school district situated in two or more counties, any qualified elector residing in the part of the school district situated in a county whose county superintendent of schools does not have jurisdiction of such school district shall be eligible to vote for one or more

members of the county board of education of the county whose county superintendent of schools has jurisdiction over the school district. Each such elector shall be eligible to vote for the member of the county board of education representing the trustee area of such county having jurisdiction as designated by the county committee on school district organization. Such committee shall apportion the portion of the school district territory not situated in the county having jurisdiction to one or more trustee areas of the other county so that such territory shall, insofar as possible, be represented as if it were situated in the county having jurisdiction. The territory so apportioned shall not become a part of the trustee area to which apportioned for any other purpose.

(b) Any person who is a resident of a county and is made eligible to vote for the county board of education of another county pursuant to subdivision (a) shall not be eligible to vote for the county board of education of the county of which he is a resident.

(c) As used in this section "school district" means any joint union elementary school district, joint union high school district or joint unified school district, but does not include any junior college district.

This section shall not be applicable in a chartered county unless made so by the charter, or by the board of supervisors acting pursuant to the charter.

SEC. 2. Section 708 is added to said code, to read:

708. Of the moneys received from any county taxes to support the county board of education and the county superintendent of schools of a county, there shall be segregated, by the county treasurer, the portion thereof derived from territory within any school district which is situated only partially in the county, and which is not placed by law under the jurisdiction of the county superintendent of schools. The money so segregated shall be transferred to the county treasury of the county whose superintendent of schools has jurisdiction over such school district to be deposited to the credit of the general fund to support the county board of education and county superintendent of schools.

As used in this section "school district" means any joint union elementary school district, joint union high school district or joint unified school district, but does not include any junior college district.

This section shall be applicable to a chartered county if Section 601.1 is applicable to it.

CHAPTER 1780

An act to amend Sections 938.2, 13162 and 13197.6, and to repeal Section 13104, of the Education Code, relating to certification of personnel in 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 938.2 of the Education Code is amended to read:

938.2. If a unified school district is formed pursuant to Chapter 9 (commencing with Section 3001) or Chapter 10 (commencing with Section 3101) of Division 5 of this code to include all the territory of one or more elementary school districts, the governing board of the unified district may elect and reelect as district superintendent of schools of the unified district, or as deputy, associate, or assistant superintendent of schools of the unified district, for a four-year term, a person employed as district superintendent of schools of one of such elementary school districts at the time of the formation of the unified school district. The person may perform service in the position for the unified district for the term to which he is elected or reelected without possessing the certification document otherwise required if he has served continuously as district superintendent of the elementary district for at least 10 years prior to the formation of the unified district and if he is elected as district superintendent of schools of the unified district or as deputy, associate or assistant superintendent of schools of the unified district pursuant to this section.

SEC. 1.5. Section 13104 of said code is repealed.

SEC. 2. Section 13162 of said code is amended to read:

13162. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to teachers whose credential applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate. Such certificate shall be valid for not more than 90 schooldays and only until the credential originally requested is either issued or denied by the State Board of Education.

SEC. 3. Section 13197.6 of said code is amended to read:

13197.6. Except as otherwise specifically required in this article, the State Board of Education shall establish regulations pertaining to the expiration dates of initially issued and renewed credentials. Any standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching, standard designated subjects teaching credential, standard designated services credential with a spe-

cialization in pupil personnel services, standard designated services credential with a specialization in health, standard supervision credential, and standard administration credential issued pursuant to this article shall be valid during the life of the person to whom issued unless sooner suspended or revoked, except that a credential issued to an alien and a credential issued pursuant to Section 13197.3 shall be valid for the period designated by the State Board of Education in accordance with such section.

A standard teaching credential with a specialization in junior college teaching issued pursuant to Chapter 1787, Statutes of 1961, shall be valid during the life of the person to whom issued unless sooner suspended or revoked.

CHAPTER 1781

An act to amend Sections 13352, 13357, 13362, 13364, 13368, 13371, 13372, 13385, 13386, 13394, 13399.5, and 13429 of, to add Section 13399.6 to, and to repeal Sections 13360 and 13374 of, the Health and Safety Code, relating to clothes cleaning establishments.

[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 13352 of the Health and Safety Code is amended to read:

13352. The exterior wall of a hazardous building shall be located in accordance with the following provisions:

(a) Walls having no openings therein may be located on property lines and without setback from buildings on the same property.

(b) Walls having door or window openings therein shall be located not less than 12 feet from any property line of the lot or premises upon which it is constructed and not less than 12 feet from any building or structure except as provided in subdivision (c) of this section.

(c) Walls having protected door openings, but no window openings, may be located less than 12 feet from buildings or structures of noncombustible or one-hour fire-resistive construction on the same lot or premises.

SEC. 2. Section 13357 of said code is amended to read:

13357. A hazardous building shall be constructed in accordance with the following requirements:

(a) The requirements of this article and the regulations adopted by the State Fire Marshal pursuant to Section 13252 as to design, structural or other detail, or employment of materials.

(b) The requirements of any state law or regulation, or of any building code or ordinance of a municipality or other political division in which the building is to be located, if such requirements are more rigid than those of this article.

SEC. 3. Section 13360 of said code is repealed.

SEC. 4. Section 13362 of said code is amended to read:

13362. The exterior and bearing walls of a hazardous building shall be constructed of an assembly of noncombustible material having a fire resistance rating of two hours, as approved by the State Fire Marshal. This section does not apply to the exterior and bearing walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than eight inches thick, or reinforced concrete not less than six inches thick, and are approved as to location and condition.

SEC. 5. Section 13364 of said code is amended to read:

13364. Interior division walls, other than bearing walls, separating hazardous rooms shall be constructed of an assembly of noncombustible material having a fire resistance rating of one hour, as approved by the State Fire Marshal. This section shall not apply to the interior division walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than six inches thick, and are approved as to location and condition.

SEC. 6. Section 13368 of said code is amended to read:

13368. The roof of a hazardous building shall be of a flat type, and constructed of an assembly of noncombustible material having a fire-resistive rating of two hours, as approved by the State Fire Marshal.

The roof of a hazardous building shall be designed for a live load of not less than 20 pounds per square foot of horizontal projection.

This section does not apply to the roof of a hazardous building which was in existence and in operative use prior to August 27, 1937, if the roof is of one-hour fire-resistant construction and complies with the provisions of Section 13357 of this chapter.

SEC. 7. Section 13371 of said code is amended to read:

13371. (a) Every door opening in a hazardous building shall be at least three feet in width. Every exterior door opening shall lead directly to an exterior area open to the sky, which shall afford a continuous, unobstructed means of safe travel not less than three feet in width away from the hazardous building. A noncombustible awning or roof of an approved design may be installed over this area. Any existing awning or roof which does not meet with the approval of the State Fire

Marshal shall be removed, remodeled, reconditioned, or relocated.

(b) Notwithstanding the provisions of subdivision (a) of this section, the State Fire Marshal may approve the use of an exit passageway through a one-hour fire-resistant corridor or through a building protected by an automatic sprinkler system.

SEC. 8. Section 13372 of said code is amended to read:

13372. A fire door protecting an exterior opening in a hazardous building shall be either sliding or swinging, and shall consist of an approved and labeled fire door assembly having a fire-resistive rating of not less than one and one-half hours, as approved by the State Fire Marshal.

Every fire door shall be so arranged that it can be opened readily from either side.

SEC. 9. Section 13374 of said code is repealed.

SEC. 10. Section 13385 of said code is amended to read:

13385. Every electrical conduit, switch, fitting, fixture, or appliance, and every motor, machine, or shaft in a hazardous building shall be installed in accordance with the electrical safety standards adopted by the State Fire Marshal.

SEC. 11. Section 13386 of said code is amended to read:

13386. No machine, apparatus, appliance, or device, intended for use in conjunction with the cleaning and drycleaning process in a clothes cleaning establishment, shall be sold or offered for sale unless its operation, structural integrity and condition have been approved by the State Fire Marshal. No such machine, apparatus, appliance, or device shall be used in a clothes cleaning establishment, unless its condition, and placement have been approved by the State Fire Marshal. Any present installation not meeting with the approval of the State Fire Marshal as to type, construction, condition, or placement, shall be immediately removed, remodeled, reconditioned, or relocated.

SEC. 12. Section 13394 of said code is amended to read:

13394. Approved chemical fire extinguishers shall be installed in every clothes cleaning establishment, in locations designated by the State Fire Marshal. They shall be serviced and maintained in accordance with the fire extinguisher standards adopted by the State Fire Marshal.

SEC. 13. Section 13399.5 of said code is amended to read:

13399.5. A concentration of chlorinated hydrocarbon vapor, as determined by test devices and methods prescribed in regulations adopted by the State Fire Marshal, in excess of the maximum allowable concentrations set forth below shall be considered as being a "dangerously toxic concentration." Carbon tetrachloride—25 parts per million. Perchlorethylene—100 parts per million Trichlorethylene—100 parts per million.

SEC. 14. Section 13399.6 is added to said code, to read:

13399.6. The dangerously toxic concentrations of vapors of solvents not defined in this chapter shall be established by regulations adopted by the State Fire Marshal. The State Fire

Marshal shall seek the advice of the State Department of Public Health in developing such regulations.

SEC. 15. Section 13429 of said code is amended to read:

13429. The drycleaning unit and all equipment used in the 140-F drycleaning process of washing, extracting, drying, deodorizing and those of solvent treatment and clarification shall be contained within a complete enclosure constructed, equipped, and maintained in accordance with the following:

(a) Walls. Enclosure walls shall be capable of providing one-hour's resistance against fire. They shall be constructed of materials which will afford a fire resistance equal to metal lath and plaster on both sides of wood studding. Existing walls of one-hour fire-resistant material may be utilized as enclosure walls.

Walls or parts of walls of detached buildings designed and constructed for housing such machinery after August 13, 1945, which are less than five feet (5′) from adjacent property lines, shall have no openings therein and shall be of not less than two-hour fire-resistant construction

(b) Ceiling of Roof. The enclosure ceiling or roof shall be of at least one-hour's fire resistance.

(c) Floor. The entire area occupied by the cleaning equipment shall have a trowel finished concrete floor surface not less than two inches (2″) thick or some other approved noncombustible material having one-hour fire-resistive rating.

(d) Door and Window Openings. Door openings shall be protected by approved and labeled fire doors having a fire-resistive rating of not less than one hour. Such doors shall be equipped with an approved automatic closing device.

Window openings shall be protected with metal sash and wired glass. If windows are designed to be opened, they shall be equipped with a fusible link automatic closing device.

(e) When the aggregate capacity of the aboveground storage, clarification, and treatment containers exceeds 550 gallons, or the individual capacity of any one such container exceeds 275 gallons, or the operating solvent capacity of the system—excluding storage tanks—exceeds 550 gallons, the entire 140-F drycleaning process shall be housed in a hazardous building located, constructed, equipped, and maintained in accordance with the provisions of Article 4 (commencing with Section 13350) of this chapter.

CHAPTER 1782

An act to amend Section 8871 of the Education Code, relating to educational television.

[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 8871 of the Education Code is amended to read:

8871. There is hereby created within the Department of General Services the Television Advisory Committee. The committee shall be composed of the Director of General Services or his designated representative, and six members appointed by the Governor as follows:

(a) One representative of the University of California, to be nominated by the board of regents.

(b) One representative of the Trustees of the California State Colleges, to be nominated by the trustees.

(c) One representative of the State Board of Education, to be nominated by the board.

(d) One member who shall represent the existing community educational television channels.

(e) One representative of a county superintendent's office, to be nominated by the Superintendent of Public Instruction.

(f) One representative of a junior college district, to be nominated by the State Board of Education.

The committee shall elect one of its members as chairman.

CHAPTER 1783

An act to amend Sections 34500 and 34501 of, and to repeal Section 34505 of, the Vehicle Code, relating to safety regulations.

[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 34500 of the Vehicle Code, is amended to read:

34500. The Department of the California Highway Patrol shall regulate the safe operation of the following vehicles:

(a) Motor trucks of three or more axles.

(b) Truck tractors.

(c) Buses.

(d) Trailers, semitrailers, pole or pipe dollies, auxiliary dollies and logging dollies used in combination with (a), (b), or (c) above.

(e) Combinations of a two-axle truck and trailer or semitrailer equipped with auxiliary dolly, coupled together, exceeding a total length of 40 feet.

SEC. 2. 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.

SEC. 3. Section 34505 of said code is repealed.

CHAPTER 1784

An act to amend Section 19 of, to repeal Chapters 1 (commencing with Section 100), 1.4 (commencing with Section 143), 1.5 (commencing with Section 145), 3 (commencing with Section 200), 4 (commencing with Section 300), 5 (commencing with Section 400), 5.5 (commencing with Section 425), 5.6 (commencing with Section 449), and 6 (commencing with Section 450) of Division 1 of, to repeal Part 2 (commencing with Section 1500), Part 3 (commencing with Section 1620), and Part 4 (commencing with Section 1650) of Division 2 of, and to repeal Division 3 (commencing with Section 2000), Division 4 (commencing with Section 2400), and Division 5 (commencing with Section 3000) of, and to add Division 9 (commencing with Section 10000) to, the Welfare and Institutions Code, and to add Sections 1456, 1457, and 1458 to the Health and Safety Code, relating to social welfare.

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

It is the purpose of this code, in establishing programs and services which are designed to provide protection, support or care of children, to provide protective services to the fullest extent deemed necessary by the juvenile court, probation department or other public agencies designated by the board of supervisors to perform the duties prescribed by this code to insure that the rights or physical, mental or moral welfare of children are not violated or threatened by their present circumstances or environment. Such essential services may be provided irrespective of whether the child or the family of the child is otherwise known to the responsible local agency.

SEC. 2. Chapters 1 (commencing with Section 100), 1.4 (commencing with Section 143), 1.5 (commencing with Section 145), 3 (commencing with Section 200), 4 (commencing with Section 300), 5 (commencing with Section 400), 5.5 (commencing with Section 425), 5.6 (commencing with Section 449), and 6 (commencing with Section 450) of Division 1 of said code are repealed.

SEC. 3. Part 2 (commencing with Section 1500), Part 3 (commencing with Section 1620), and Part 4 (commencing with Section 1650) of Division 2 of said code are repealed.

SEC. 4. Division 3 (commencing with Section 2000), Division 4 (commencing with Section 2400), and Division 5 (commencing with Section 3000) of said code are repealed.

SEC. 5. Division 9 (commencing with Section 10000) is added to said code, to read:

DIVISION 9. PUBLIC SOCIAL SERVICES

PART 1. DEFINITIONS AND GENERAL PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

10000. The purpose of this division is to provide for protection, care, and assistance to the people of the state in need thereof, and to promote the welfare and happiness of all of the people of the state by providing appropriate aid and services to all of its needy and distressed. It is the legislative intent that aid shall be administered and services provided promptly and humanely, with due regard for the preservation of family life, and without discrimination on account of race, national origin or ancestry, religion, or political affiliation; and that aid shall be so administered and services so provided as to encourage self-respect, self-reliance, and the desire to be a good citizen, useful to society.

10001. The purposes of the public social services for which state grants-in-aid are made to counties are:

(a) To provide on behalf of the general public, and within the limits of public resources, reasonable support and maintenance for needy and dependent families and persons.

(b) To provide timely and appropriate services to assist individuals develop or use whatever capacity they can maintain or achieve for self-care or self-support.

(c) To provide protective services to handicapped or deprived persons subject to social or legal disability, and to children and others subject to exploitation jeopardizing their present or future health, opportunity for normal development, or capacity for independence.

10002. When an applicant for or recipient of public social services is incapable of managing his own resources and planning or carrying out arrangements for his own care and maintenance, and the applicant or recipient cannot secure the

services of a private attorney, the county counsel at the request of the county department, or the district attorney, if a county counsel does not exist, shall initiate and carry out proceedings for the appointment of a public or private guardian, or for changing the form of legal protection when this is indicated. Costs incurred in such proceedings for the protection of applicants or recipients, when not available from the person's own resources, shall be a proper welfare administrative or service cost, except where a relative engages a private attorney to accomplish this purpose.

CHAPTER 2. DEFINITIONS

10050. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this division.

10051. "Public social services" means those activities and functions of state and local government administered or supervised by the department and involved in providing aid or services or both to those people of the state who, because of their economic circumstances or social condition, are in need thereof and may benefit thereby.

10052. "Aid" means financial assistance provided to or in behalf of needy persons under the terms of this division, including direct money payments, vendor payments and medical care.

10053. "Services" means those activities and functions performed by social work staff and related personnel of the department and county departments with or in behalf of individuals or families, which are directed toward the improvement of the capabilities of such individuals or families maintaining or achieving a sound family life, rehabilitation, self-care, and economic independence.

10054. "Department" means the State Department of Social Welfare.

10055. "Director" means the Director of the State Department of Social Welfare.

10056. "Board" means the State Social Welfare Board.

10057. "Board of supervisors" means the county board of supervisors.

10058. "County department" means the county agency designated by the board of supervisors, or by such other authority as may be provided in the county charter, as responsible for the administration of public social services.

10059. "County director" means the director or other chief executive of the county department.

10060. "Regulations" includes but is not limited to standards of eligibility for aid and services, procedures necessary for the proper and efficient administration of public social services, and standards as to conditions which must be met by agencies or individuals subject to licensing or supervision by the department.

10061. "Public assistance" and "public assistance programs" refer to those public social services programs provided for in Part 3 of this division.

PART 2. ADMINISTRATION

CHAPTER 1. GENERAL PROVISIONS

10500. Every person administering aid under any public assistance program shall conduct himself with courtesy, consideration, and respect toward applicants for and recipients of aid under that program, and shall endeavor at all times to perform his duties in such manner as to secure for every person the maximum amount of aid to which he is entitled, without attempting to elicit any information not necessary to carry out the provisions of law applicable to the program, and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of the program

10501. No person concerned with the administration of a public assistance program shall dictate how any recipient shall expend the aid granted to him.

CHAPTER 2. STATE DEPARTMENT OF SOCIAL WELFARE

Article 1. Organization

10550. There is in the Health and Welfare Agency a Department of Social Welfare.

10551. The department consists of the director, the State Social Welfare Board, and such divisions, in addition to the Division for the Blind, or other administrative units as the director may find necessary for proper administration.

10552. With the consent of the Senate, the Governor shall appoint, to serve at his pleasure, an executive officer who shall be director of the department. The director shall be appointed wholly on the basis of training, demonstrated ability, experience, and leadership in organized social welfare administration. He shall receive the salary provided for by Chapter 6 (commencing with Section 11550), Part 1, Division 3, Title 2 of the Government Code.

10553. The director shall:

(a) Be responsible for the management of the department.

(b) Administer the laws pertaining to the administration of public social services.

(c) Observe and report to the Governor on the conditions of public social services throughout the state.

(d) Formulate, adopt, amend or repeal regulations and general policies affecting the purposes, responsibilities, and jurisdiction of the department and which are consistent with law and necessary for the administration of public social services.

All regulations heretofore adopted by the board shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the director.

(e) Perform such other duties as may be prescribed by law and such other administrative and executive duties as have by other provisions of law been previously imposed upon the board.

10554. The director is the only person authorized to adopt regulations, orders, or standards of general application to implement, interpret, or make specific the law enforced by the department, and such regulations, orders, and standards shall be adopted, amended, or repealed by the director only in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, except that such regulations need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the department.

In adopting regulations the director shall strive for clarity of language which may be readily understood by those administering public social services or subject to such regulations.

The rules of the department need not specify or include the detail of forms, reports or records, but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the department is required to use, submit or maintain such forms, reports or records.

10555. Subject to the State Civil Service Act, the director shall appoint such assistants and other employees as are necessary for the administration of the affairs of the department and shall prescribe their duties and, subject to the approval of the Department of Finance, fix their salaries.

10556. The administrative adviser and the chief referee of the department shall be attorneys, and shall otherwise meet such qualifications as may be prescribed by the State Personnel Board.

10557. No person, while holding the office of director or member of the State Social Welfare Board, or of the merit system committee, shall be a trustee, manager, director, or other officer or employee of any agency performing any function supervised by the department or any institution which is subject to examination, inspection, or supervision by the department; nor shall any member of the State Social Welfare Board or of the merit system committee hold any other office or employment in the department.

10558. Except as otherwise expressly provided, the provisions of Part 1 (commencing with Section 11000) of Division 3 of Title 2 of the Government Code, as the same may be added to or amended from time to time, shall apply to the conduct of the department.

10559. There is in the department a division devoted to carrying out the provisions of this division pertaining to aid to the blind. The division shall be headed by a chief, who is a trained social worker experienced in work for the blind. The duties of both the division and the chief shall be confined to carrying out the provisions of this division pertaining to aid to the blind. Blindness shall not be grounds to disqualify a person from holding the position of Chief of the Division for the Blind. The Division for the Blind shall not be made a part of any other division or subdivision of the department. The Chief of the Division for the Blind shall be directly responsible to the director.

Article 2. Powers and Duties

10600. It is hereby declared that provision for public social services in this code is a matter of statewide concern. The department is hereby designated as the single state agency with full power to supervise every phase of the administration of the public social services for which grants-in-aid are received from the United States government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws.

10601. The department may expend, in accordance with law, all moneys made available for its use or for the administration of any statute administered by it.

10602. The department shall investigate, examine and make reports upon:

(a) The charitable institutions of the state and of the counties and cities of the state, other than county hospitals and institutions under the jurisdiction of another state department.

(b) The public officers who are in any way responsible for the administration of public funds used for public social services.

10603. The department shall advise public officers regarding the administration of public social services by public agencies throughout the state, and shall supervise the administration of state aid to all persons receiving or eligible to receive state aid. It shall also supervise the expenditure of any funds for Indian relief which may be granted to the state by the federal government.

10604. In administering any funds appropriated or made available to the department for disbursement through the counties for welfare purposes, the department shall:

(a) Require as a condition for receiving such grants-in-aid, that the county shall bear that proportion of the total expense of furnishing aid, as is fixed by the law relating to such aid.

(b) Establish regulations, not in conflict with the law fixing statewide standards for the administration of all state or federally aided public social service programs, defining and controlling the conditions under which aid may be granted or re-

fused. All regulations established by the department shall be binding upon the boards of supervisors and the county department.

10605. If the director considers a county director to be failing, in a substantial manner, to comply with any provision of this code or any regulation, he shall put the county director on written notice to that effect, and shall give a copy of the notice to the board of supervisors.

If within 60 days the county director fails to give reasonable assurance that he is complying and will continue to comply with the laws and regulations, the director shall order the county to appear at a hearing, before the director, with the State Social Welfare Board, to show cause why the department should not take action to secure compliance. The county shall be given at least 30 days' notice of such hearing. The director shall consider the case on the record established at the hearing, and the advice of the State Social Welfare Board, and, within 30 days, shall render proposed findings and a proposed decision on the issues. The proposed findings and decision shall be submitted to the county, and the county shall have an opportunity to appear within 10 days at such time and place as may be fixed by the director, for the purpose of presenting oral arguments respecting the proposed findings and decision. Thereupon the director shall make his final findings and decision.

If the director determines that there is a failure on the part of the county to comply with the provisions of this code or the established regulations, and that administrative sanctions are necessary to secure compliance, the department may invoke any of the following sanctions:

(a) Withhold part or all of state and federal funds from such county until the county shall make a showing to the director of compliance; or

(b) Assume, temporarily, direct responsibility for the administration of any or all state-aided public social service programs in such county until the county shall provide reasonable assurance to the director of its intention and ability to comply with such laws and regulations. During such period of state administrative responsibility for county programs, the director or his authorized representative shall have all of the powers and responsibilities of the county director, with the exception that he shall not be subject to the authority of the board of supervisors; or

(c) Bring an action in mandamus or such other action in court as may be appropriate to compel compliance. Any such action shall be entitled to a preference in setting a date for a hearing.

Nothing in this section shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued public social services required by law.

Nothing contained in this section shall be construed as preventing a county from seeking judicial review of action taken by the director pursuant to this section under Section 1094.5 of the Code of Civil Procedure or, except in cases arising under Sections 10962 and 10963, from seeking injunctive relief when deemed appropriate.

10606. The department shall cause to be published and made available for sale to the public, at the cost of publishing, all of its rules and regulations relating to:

(a) The government of the department.

(b) Any form of public social services for which state aid is granted to the counties or over the administration of which the department has supervision.

The department shall also provide at cost such subscription service as may be necessary to assure to purchasers of the printed rules and regulations prompt receipt of all additions and amendments to the rules and regulations of the department and digests of decisions compiled under Section 10964.

10607. Where the department causes to be published for public distribution informational pamphlets and related materials relating to public assistance programs administered or supervised by the department, they shall be printed in English and may be printed separately in Spanish, or at the discretion of the department, in English and Spanish, in such numbers as the department may determine.

10608. Copies of all laws relating to any form of public social service for which state aid is granted to counties, and over the administration of which the department has supervision, and of all bulletins and rules and regulations of the department, shall be made available to the public and for public inspection during regular office hours at each county office administering such aid and in each local or regional office of the department.

10609. The department may act as the agent or representative of or cooperate with the federal government in any matters within the scope of the functions of the department, for the administration of federal funds granted to this state or for any other purpose in furtherance of those functions.

The department may cooperate with the federal government, its agencies or instrumentalities, in establishing, extending, and strengthening services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent, and may receive and expend all funds made available for such purposes by the federal government to the department, the state, a county, a district, a municipal corporation, or a political subdivision.

Any contract or agreement entered into by the department with the federal government or any agency thereof for the expenditure of any funds in the exercise of any power granted to the department by this section shall be subject to approval by the State Department of Finance.

10610. The department may join associations of social welfare agencies having as their purpose the interchanging or supplying of information relating to the technique of social welfare administration.

10611. All plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any public institution under the supervision of the department or for any state, city, or county charitable institution (other than county hospitals and institutions under the jurisdiction of another state department) or for any privately operated institution which receives state aid for the care or support of its inmates shall, before their adoption, be submitted to the department for suggestions and approval as to the social requirements of the occupants.

10612. Two months prior to each annual session of the Legislature, the department shall make a full and complete report to the Governor of all its transactions during the preceding year, showing specifically all expenses incurred and moneys paid out by it, with suggestions and recommendations for legislative and executive action.

The department shall include in its report a complete report on its administration of appeals.

10613. The functions of the department may include the administration and the supervision of the administration of public social services within this state as an agent of the federal government, and acting as a service agency for the federal government in the field of social service and welfare.

CHAPTER 3. STATE SOCIAL WELFARE BOARD

10700. The State Social Welfare Board consists of seven members. Each member of the board shall be appointed by the Governor with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. It shall be the duty of the Governor to fill all vacancies on the board within 60 days.

The members of the board shall be selected for their interest and leadership in social welfare activities without regard to political or religious affiliations or profession or occupation.

10701. The members of the board shall serve without compensation, except that each member shall be paid a per diem of twenty-five dollars ($25) for each day's attendance at a meeting of the board, not to exceed six days in any month. The members of the board shall also receive their actual and necessary traveling expenses incurred in the course of their duties.

10702. Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with and participate in the work of the board under subdivisions (a) and (b) of Section 10705 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 board shall serve at the pleasure of the appointing power. For the purposes of this chapter, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter and shall have the powers and duties imposed on such committees by the Joint Rules of the Senate and Assembly.

10703. The members of the board shall meet at such times as may be determined by resolution of the board. Special meetings may be called by the chairman, who shall be designated by the Governor. Members who fail to attend three consecutive regular meetings shall be deemed to have resigned from the board, but the board may for good cause grant leaves of absence to its members.

Four members of the board shall constitute a quorum for the performance of any duty or for the exercise of any power of the board.

10704. All meetings of the board shall be open and public.

10705. The board shall:

(a) Study statewide problems of poverty, neglect, and deprivation and undertake systematic and continuing reappraisal of policies, programs, and operations in the area of public social services in order to evaluate the effectiveness of public social services and to determine how best to meet the problems of dependent poverty in a balanced manner considering the fiscal capabilities of both the state and the counties.

(b) Submit annual reports to the director, the Governor, and the Legislature, with suggestions and recommendations for administrative, executive, and legislative action to better meet problems of poverty, neglect, and deprivation, and to improve the administration of public social services.

(c) Advise the director on all matters referred by him to the board for recommendation.

CHAPTER 4. COUNTY DEPARTMENTS

10800. The administration of public social services in each of the several counties of the state is hereby declared to be a county function and responsibility and therefore rests upon the boards of supervisors in the respective counties pursuant to the applicable laws, and in the case of public social services for which federal or state funds are provided, subject to the regulations of the department.

For the purpose of providing for and carrying out this function and responsibility, the board of supervisors of each county, or other agency as may be otherwise provided by county charter, shall establish a county department, unless otherwise provided by the county charter. Except as provided herein, the county department shall be the county agency for the administration of public social services and for the promotion of public understanding of the public social services provided under this code and the problems with which they deal.

10801. A county director shall be appointed in each county by the board of supervisors or other agency designated by county charter, subject to either local merit system standards or to standards prescribed under the merit system administered by the department.

The county director shall at all times be under the general direction and supervision of the board of supervisors, unless otherwise provided by county charter.

10802. The county director shall, for and in behalf of the board of supervisors, have full charge of the county department and the responsibility for administering and enforcing the provisions of this code pertaining to public social services under the regulations of the department. He shall abide by all lawful directives of the department, transmitted through the board of supervisors.

10803. The county director shall:

(a) Serve as the executive and administrative officer of the county department. The county director may delegate his powers and functions to any member of his staff.

(b) Establish such administrative units as he may deem necessary or desirable for the proper and efficient administration of the county department, and employ such personnel as may be authorized subject to merit system regulations and the state standards established pursuant to Section 10901 of this code.

(c) Perform such other duties as may be prescribed by law, and, except for Section 10801, such other administrative and executive duties pertaining to the public social services as may, by other provisions of law, be imposed upon the board of supervisors.

(d) Perform such other duties as may be prescribed by the board of supervisors.

10804. The board of supervisors in any county may contract with any other county or counties or with the department for the operation and maintenance of such public social services as are provided in one or more of the contracting counties, or for the establishment and maintenance of such public social services as the board of supervisors shall deem to be desirable to discharge the duties of the county to provide for public social services for those eligible therefor or the health and care of the sick. The cost of contracted services shall be borne by the contracting county or counties and shall, insofar as state or federal funds are involved, conform to department standards and regulations generally applicable to such services.

10805. Each social worker employed by the department shall be provided with an identification card, showing the name and position of the worker, and containing a recent picture. Upon calling at the home of any applicant for or recipient of public social services, the social worker shall display the identification card to the applicant or recipient.

Should a social worker terminate his employment with the agency, he shall return his identification card to the agency.

10806. If a dispute occurs between counties as to the responsibility for an applicant or recipient, either county may submit the dispute to the department. The decision of the department shall be final.

10807. Each county department shall compile and maintain a list of private and public agencies which provide charitable and social services in the county, showing the name of each agency and the type of service performed by the agency. If an applicant for public assistance, including an applicant for assistance under Part 5 of this division, is found to be ineligible for such assistance, the county department, if necessary, shall make every effort to refer him to an agency in the county that may be able to assist him with his problem.

10808. Any report published by the county in written or graphic form of expenditures for public social services shall show clearly the amount and proportion of costs borne by local taxes and the amount and proportion of costs borne by the state and federal governments.

10809. The county department shall administer the public social services authorized or permitted under the applicable portions of this code in accordance with the regulations of the department.

The county department shall make such reports to the department as may be required.

Chapter 5. Records

10850. Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this state from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such public social service; provided, however, that any agency having custody of such records may make the disbursement records available to the district attorney upon his request. The information thus obtained shall be made available to the district attorney for the official conduct of his office and shall not be used for any other purpose.

Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving public social services. Except for purposes directly connected with the administration of public social services, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient. Any violation of this paragraph is a misdemeanor.

The department may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the laws relating to public social services. The rules and regulations shall be binding on all departments, officials and employees of the state, or of any political subdivision of the state and may provide for giving information to or exchanging information with agencies, public or private, which are engaged in planning, providing or securing social services for or in behalf of recipients or applicants; and for making case records available for research purposes, provided, that such research will not result in the disclosure of the identity of applicants for or recipients of public social services.

Any person, including every public officer and employee, who knowingly secures or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public social services for which state or federal funds are made available to the counties is guilty of a misdemeanor.

10851. The board of supervisors in each county may authorize the destruction or disposition of the case history, or any part thereof, of any recipient of public assistance who has not received such assistance from the county for a period of five years prior thereto.

10852. All persons who are subject to investigation or supervision by the department, or who are connected with any institution subject to such investigation or supervision, or who are in any way responsible for the administration or expenditure of funds which are subject to investigation or supervision by the department, shall furnish to the department such information and statistics as it may request or require, and shall allow the department free access to all such institutions and to all records of such institutions and persons.

10853. In order to secure accuracy, uniformity, and completeness in such statistics and information, the department, by regulation, may prescribe forms of report and records to be kept by all persons, associations, or institutions subject to investigation or supervision by the department, and each such person, association, or institution shall keep such records and render such reports in conformity with the forms so prescribed.

CHAPTER 6. PERSONNEL

10900. The department shall, within the limits of funds made available, provide welfare personnel training courses and services, including in-service training, educational leaves or stipends, traineeships, internships, and the expansion of fieldwork training facilities within county departments for the use of colleges and universities in preparing students for employment in the administration of public social services programs. The training courses and services provided pursuant

to this section shall be designed to promote welfare personnel training in every county in this state, which will provide the quality and quantity of trained personnel required to eliminate or reduce the circumstances or conditions which impede or prevent an individual or a family from making progress toward proper social adjustment, self-support, and self-direction.

10901. For the purposes of the administration of state or federally supported public social services, the director shall, by regulation, establish and maintain personnel standards on a merit basis (including therein standards of qualifications, competency, education, experience, tenure and compensation) necessary for proper and efficient administration, and to assure state conformity with applicable federal requirements.

In the exercise of his functions under this section, the director shall exercise no authority with respect to the selection, tenure of office and compensation of any individual employed in accordance with such standards.

Nothing in this section shall prevent any county from establishing its own merit system and determining thereunder the personnel standards to be applicable to its employees, but as to employees engaged in administering state and federally supported public social services, such county systems and standards shall be subject to approval and review by the department.

10902. The director shall contract with either the State Personnel Board or such other public agency as may be deemed advisable for the examination and certification of eligible personnel.

10903. The director shall appoint a merit system committee consisting of seven members, including a chairman designated by the director, to serve for a term of four years. All members shall meet federal qualifications for membership on a Merit System Council, and shall be chosen solely on the basis of their proficiency in the field of personnel administration and their knowledge of public welfare and other social welfare functions. All members shall serve without compensation but shall receive their actual and necessary traveling expenses incurred in the course of their duties. Two of the seven members shall be appointed from a list of at least six nominees secured by the director from non-civil-service counties. One member of the seven shall be appointed from a list of at least three nominees secured by the director from civil service counties. Initial appointments shall be one member for one year and each of two members for two, three, and four years respectively.

10904. The merit system committee shall:

(a) Advise the director on standards and other matters relating to personnel.

(b) Hear and decide appeals of any applicant for employment or officer or employee in a county not having its own approved civil service system from the decision of a county department or board of supervisors affecting the em-

ployment rights of such persons under merit systems standards and regulations. Any decision rendered in such an appeal shall be binding upon the county. Hearings under this section shall not be subject to the provisions of Sections 11500 to 11528 of the Government Code.

10905. If, when, and during such times as the federal government allots money to this state for training grants for public welfare personnel, pursuant to Title VII of the Federal Social Security Act, the department is authorized to act as the agent and representative of this state.

10906. Employees of the department who are engaged in the administration of public social services are authorized (1) to attend courses of training provided by institutions of higher learning, (2) to attend special courses of study or seminars of short duration conducted by experts on a temporary basis for the purpose, (3) to accept fellowships or traineeships at institutions of higher learning with such stipends as are permitted by regulations of the federal government.

Any leave of absence granted to any employee of the department, as authorized by this section, shall be subject to the approval of the State Personnel Board.

10907. The board of supervisors of any county may grant to any permanent employee of the county department a leave of absence with pay to attend an institution of learning for the purpose of improving his skill, knowledge and technique in the administration of social welfare programs which will benefit the county department.

In order to be eligible for an educational leave, the employee must have a satisfactory service record with the county and must execute an agreement to return to the county department to render one year of service. The employee shall furnish a suitable bond indemnifying the county against possible loss in the event the employee fails to return to the county and render the required period of service stipulated in the agreement. Such bond shall be exonerated in the event the failure of the employee to render the stipulated period of service is caused by death, physical or mental disability of the employee. If the board of supervisors finds, and by resolution declares, that the interests of the county will be protected by written agreement of the employee to return to the service of the county and render at least one year of service therein following his return from leave, the board of supervisors may waive the furnishing of the bond.

The terms and amount of pay or stipend to be paid shall be set by the board of supervisors. Any such pay or stipend shall be considered a proper charge against the administration of the public welfare programs.

Notwithstanding any other provisions in this section to the contrary, the board of supervisors may provide educational leaves to employees under such conditions as may be prescribed in an agreement or plan entered into by this state with the federal government.

CHAPTER 7. HEARINGS

10950. If any applicant for or recipient of public social services is dissatisfied with any action of the county department relating to his application for or receipt of aid or services, or if his application is not acted upon with reasonable promptness, or if any person who desires to apply for such aid or services is refused the opportunity to submit a signed application therefor, and is dissatisfied with such refusal, he shall, in person or through an authorized representative, without the necessity of filing a claim with the board of supervisors, upon filing a request with the department, be accorded an opportunity for a fair hearing.

As used in this chapter, "recipient" means an applicant for or recipient of aid or services except aid or services exclusively financed by county funds.

10951. No person shall be entitled to a hearing pursuant to this chapter unless he files his request for the same within one year after the order or action complained of.

10952. The department shall set the hearing to commence within 45 days after the request is filed, and, at least 10 days prior to the hearing, shall give all parties concerned written notice of the time and place of the hearing.

10953. A hearing under this chapter shall be conducted by referees employed by the department, unless the director orders that it shall be conducted by himself or by the administrative adviser of the department in behalf of the director.

10954. The director, administrative adviser, or referee, in conducting the hearing, shall have all of the powers and authority conferred upon the head of a department in Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

10955. The hearing shall be conducted in an impartial and informal manner in order to encourage free and open discussion by participants. All testimony shall be submitted under oath or affirmation. The person conducting the hearing shall not be bound by rules of procedure or evidence applicable in judicial proceedings. At the hearing the applicant or recipient may appear in person with counsel of his own choosing, or in person and without such counsel.

10956. The proceedings at the hearing shall be reported by a phonographic reporter or otherwise perpetuated by mechanical, electronic, or other means capable of reproduction or transcription.

10957. The person conducting the hearing, upon good cause shown, may continue the hearing for a period of not to exceed 30 days. When the refusal of a county to accept a signed application for aid or services is an issue, the director may require the county to accept the application, and may continue the case until the results of the investigation have been reported to him. In any such case in which aid is awarded by

the director, the payments shall commence at the time indicated by the director.

10958. If the hearing is conducted by a referee, he shall prepare a proposed decision, in writing and in such form that it may be adopted as the decision in the case, and, after approval of the decision by the chief referee of the department, shall file a copy of the proposed decision, within 75 days after the conclusion of the hearing, with the director.

10959. Within 30 days after receiving a copy of the referee's proposed decision, the director may adopt the decision in its entirety; decide the matter himself on the record, including the transcript, with or without taking additional evidence; or order a rehearing to be conducted by himself, the administrative adviser of the department or another referee in behalf of the director. If the director decides the matter, a copy of his decision shall be served on the applicant or recipient and on the affected county, and, if his decision differs materially from the proposed decision of the referee, a copy of that proposed decision shall also be served on the applicant or recipient and on the affected county. If a rehearing is ordered, it shall be conducted in the same manner and within the same time limits specified for the original hearing.

10960. Within 30 days after adoption by the director of the proposed decision of a referee or the issuance by the director of his own decision, the affected county or applicant or recipient may file a request with the director for a rehearing and the director, within 10 days after receipt of the request, shall grant or deny the request. If the director grants the request, the rehearing shall be conducted in the same manner and subject to the same time limits as the original hearing.

10961. The decision of the director need not specify the amount of the award to be paid unless the amount of the award is an issue. If the decision is in favor of the applicant or recipient, the county department shall pay to the applicant or recipient, without the necessity of establishing his present need, the amount of aid he is entitled to receive pursuant to the director's decision, payment to commence as of the date the person was first entitled thereto, or grant to him the services to which the director finds he is entitled.

10962. After having exhausted the administrative remedy provided for in Section 10960, the applicant or recipient or the affected county, within one year after receiving notice of the director's final decision, may file a petition with the superior court, under the provisions of Section 1094.5 of the Code of Civil Procedure, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review, if granted, shall be the exclusive remedy available to the applicant or recipient or county for review of the director's decision. The director shall be the sole respondent in such proceedings.

No filing fee shall be required for the filing of a petition pursuant to this section. Any such petition to the superior

court shall be entitled to a preference in setting a date for hearing on the petition. No bond shall be required in the case of any petition for review, nor in any appeal therefrom. The applicant or recipient shall be entitled to reasonable attorney's fees and costs, if he obtains a decision in his favor.

10963. The county director shall comply with and execute every decision of the director rendered pursuant to this chapter.

10964. The department shall compile and distribute to each county department a current digest of decisions, properly indexed, rendered under this chapter, and each such digest shall be open to public inspection, subject, however, to the confidentiality requirements set forth in federal and state laws and regulations.

10965. Nothing in this chapter shall prevent the filing of the request for a hearing by the legal representative, or, if there is no authorized legal representative, by an heir of a deceased applicant or recipient, in behalf of the decedent's estate, to the end that rights not determined at the time of death shall accrue to the estate of the applicant or recipient.

PART 3. AID AND MEDICAL ASSISTANCE

CHAPTER 1. GENERAL PROVISIONS

Article 1. Policies and Purposes

11000. The provisions of law relating to a public assistance program shall be liberally construed to effect the stated objects and purposes of the program.

11001. No person receiving aid under a public assistance program shall be considered a pauper or an indigent by reason thereof, and no warrant drawn in payment of the aid given shall contain any reference to indigency or pauperism.

11002. All aid given under a public assistance program shall be absolutely inalienable by any assignment, sale, attachment, execution, or otherwise, and in case of bankruptcy the aid shall not pass through any trustee or other person acting on behalf of creditors.

11003. If the United States Department of Health, Education, and Welfare issues a formal ruling that any section of this code relating to public assistance cannot be given effect without causing this state's plan to be out of conformity with federal requirements, the section shall become inoperative to the extent that it is not in conformity with federal requirements.

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.

(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.

11005. Any special need allowance for mileage and for the expenses of the operation and maintenance of an automobile shall be fixed to operate in a uniform manner throughout the state by the department.

11006. All money paid to a recipient or recipient group as aid is intended to help the recipient meet his individual needs or, in the case of a recipient group, the needs of the recipient group, and is not for the benefit of any other person. Aid granted shall not be construed as income to any person other than the recipient or, in the case of a recipient group, the recipient group.

11007. Aid granted to a recipient of public assistance shall not constitute a lien upon any property of the recipient.

The cost of hospitalization furnished by a county to the recipient shall not constitute a lien against the personal property or personal effects of the recipient, or against an interment plot as defined in Section 7022 of the Health and Safety Code.

The cost of hospitalization furnished by a county to a recipient, other than a recipient of aid to families with dependent children, on or after May 21, 1963, and any judgment obtained by a county against the recipient to obtain repayment of such costs, shall not constitute a lien against the real property of the recipient, and no lien shall be taken therefor.

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 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.

11009. Interest on money on deposit in a savings account in a bank, savings and loan association, or other institution authorized by law to accept savings deposits by members of the public, which is received by a recipient, shall be considered an inconsequential resource of the recipient.

11010. In determining the amount of aid grants payable under a public assistance program, no consideration shall be given to voluntary contributions or grants from other public sources, private agencies, friends or relatives when such contributions or grants meet the following conditions:

1. The service to be provided is designated by the department and is not covered by an assistance allowance under the particular program, and

2. The contribution or grant would not be available for expenditure by or in behalf of the recipient unless it is used in accordance with the conditions imposed by the donor.

11011. If, when, and during such times as the United States government increases or decreases its contributions for any public assistance program in this state, other than aid to families with dependent children, above or below the amount being paid on January 1, 1963, or above or below the amount payable as a result of any such increase or decrease, the maximum grants of aid provided in that program shall be increased or decreased by an amount equal to such increase or decrease by the United States government. It is the intent of the Legislature that any change in contributions by the United States government, whether increase or decrease, shall result in a corresponding change in the amount of the maximum grants prescribed in the public assistance program to which the increase or decrease relates.

In no event shall this section operate to decrease the maximum grant of aid prescribed in Section 12150 below one hundred five dollars ($105) per month, prescribed in Section 12650, below one hundred twenty-two dollars ($122) per month, or prescribed in Section 13700 below an average grant of one hundred dollars ($100) per month.

It is also the intent of the Legislature that should the federal government require that any increase in assistance granted by it after May 1, 1955, be considered necessary to meet medical or health needs of the recipient, such increase shall be considered necessary to meet such medical or health needs.

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 such 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.

11013. For the purpose of expediting the admission of needy persons requiring hospitalization and first aid treatment to hospitals, clinics, and first aid receiving stations, identification cards shall be issued to recipients of public assistance. Such card shall be solely for the purpose of identification and shall not be construed to authorize admission to hospitals, clinics or first aid stations.

The department shall make available and keep each county supplied with sufficient identification cards as required by the county. The county shall fill out and mail the completed card, with a brief explanation of its purpose, to the recipient in sufficient time to insure receipt thereof by the recipient within 30 days following his qualification for aid.

The identification card shall contain the following information:

(1) Name and address of the recipient.
(2) State or county case numbers, or both.
(3) Date of issuance.
(4) Name of county agency issuing card.

The card, bearing the Great Seal of the State of California, shall not be larger than 2½ x 3½ inches in size, and shall be headed "State of California"—"Department of Social Welfare"—"Identification Card."—"This card is provided for the purpose of establishing the identity of the bearer and does not establish eligibility of the holder to receive care in hospitals, clinics or first aid stations or the liability of the state or county for the cost of care rendered."

Upon request, the county shall furnish the hospital, clinic, or first aid receiving station, with such further and additional information as they may require regarding the patient for the completion of their records.

In the event an identification card issued pursuant to this section is lost or destroyed, the county shall prepare and issue a duplicate card to the recipient upon application being made therefor.

The department may use both sides of the card for additional information and instructions.

Upon request for entrance, the identification card may be surrendered and shall be returned to the patient before his departure.

Article 2. Applications

11050. Except as provided in Sections 11403 and 14552 of this code, applications for public social services or public assistance by any person, or in behalf of any person, shall be made to the county department in the county in which the applicant is living. The application may be made in writing or reduced to writing upon the standard form prescribed in regulations of the department and a copy shall be furnished to each applicant at the time of the application.

11051. Whenever a former recipient of aid requests restoration of aid before the expiration of one year from the effective date of a cancellation or a discontinuance, and if it is determined that he is eligible for such aid, it shall be granted to him without the necessity for a new application. Such person shall, however, be required to file a new affirmation of eligibility as required by Section 11054.

11052. Application for aid may be made within 60 days prior to the date on which the applicant meets the technical

requirements for such aid which have to do with factors other than need.

Application made on behalf of a child deprived of parental support because of separation or desertion may be made within 60 days prior to the date on which he will become eligible.

The application shall be promptly investigated and acted upon, but in no event shall the aid, if granted, begin as of a date prior to the date on which he meets such requirements.

11053. When a recipient or former recipient of public assistance moves from one county to another, the determination of the existence of particular conditions of eligibility made by the former county shall be binding on subsequent counties, provided that the determination was made within the sound exercise of discretion by, and that no fraud was practiced on, the former county and that there has not been a material change in circumstances.

11054. Each applicant shall be required before approval of assistance or services to file an affirmation setting forth his belief that he meets the specific conditions of eligibility. Such statements shall be on forms prescribed by the department and, in the case of applicants for aid to families with dependent children, shall contain a written declaration that the affirmation is made under penalty of perjury. Any person signing a statement containing such declaration, who willfully and knowingly with intent to deceive states as true any material matter which he knows to be false, is subject to the penalty prescribed for perjury in the Penal Code. A copy of the affirmation shall be furnished to the applicant at the time he files it.

A county department may also require like statements to be completed prior to approving restoration of aid as provided by Section 11051, and may require new statements at any time for purposes of continuing assistance.

11055. The county shall promptly investigate all applications for public assistance as prescribed by the regulations of the department.

11056. If the applicant is determined to be eligible, aid shall be granted from the first day of the month following the date of application, or from the first day of the month following the date on which he becomes eligible if found to be later than the date of application, or upon an earlier date if determined by and in connection with a petition for a fair hearing; provided, however, that nothing contained herein shall be construed to prevent a county department from making aid to families with dependent children effective as soon as eligibility is determined, if such date is earlier than that specified herein.

The county at the time of receiving an application for public assistance shall determine whether the applicant needs immediate assistance. If it appears that the applicant is eligible for public assistance, and a signed affirmation is on file to this effect, aid shall be granted immediately. If subsequent investigation establishes ineligibility, the cost of such assist-

ance shall be shared by the state and county in accordance with the applicable sharing ratio after federal contributions are deducted.

11057. Any recipient who becomes ineligible for aid under the public assistance program under which he is receiving aid, but appears to be eligible for aid under another public assistance program, shall be so informed, and his application for aid under that other program taken promptly, so that there is no interruption in warrant payments to the recipient.

11058. An applicant for aid to the aged or for aid to the blind, whose application for aid has been rejected, may not again apply for such aid until the expiration of 90 days from the date the previous application was denied, except with the consent of the county or an order of the department, or until the condition because of which his application was rejected has been eliminated.

11059. Immedidately upon request therefor, the county department shall, without charge, mail application blanks for aid to the blind to any person in the county.

11060. The application, evidence and documents submitted by an applicant for aid to the blind may be used to grant the applicant aid to the potentially self-supporting blind, if he is eligible therefor, and the application, evidence, and documents submitted by an applicant for aid to the potentially self-supporting blind may be used to grant the applicant aid to the blind, if he is eligible therefor.

11061. The board of supervisors of each county shall file in the office of the Chief of the Division for the Blind in the department a record of the action of such county in granting or refusing to grant aid to the blind to each blind applicant.

Article 3. Residence

11100. For the purposes of the provisions of this code relating to public assistance, the continued absence of a recipient of public assistance from this state for a period of one year or longer shall be prima facie evidence of the intent of the recipient to have changed his residence to a place outside this state. The county granting the aid shall make inquiry from such persons as to their intent to remain residents of California or to become residents of another state, and shall redetermine the residence of such persons. In any case where the inquiry made under this section establishes that the recipient is no longer a resident of this state, his aid shall be terminated immediately.

If a recipient is prevented by illness or other good cause from returning to this state at the end of one year, and has not by act or intent established residence elsewhere, he shall not be deemed to have lost his residence in this state.

If a recipient is disqualified for aid on the ground that he has left the state, and returns to the state within one year after leaving, he shall be considered to have resided

in the state for a sufficient time to qualify for aid, and, if otherwise eligible, aid shall be granted to him as of the first day of the month following his application.

11101. When a recipient of public assistance is absent from the United States for a period in excess of 30 days, his aid shall thereafter be suspended whenever need cannot be determined for the ensuing period of his absence from the United States. No person shall be considered absent from the United States in accordance with this section if he is residing in any of the states, territories, possessions or other districts eligible to receive grants-in-aid from the federal government under the Social Security Act.

11102. County residence is not a qualification for aid under any public assistance program.

County responsibility for making aid payments is determined as follows:

(a) The county where the applicant lives shall accept the application and shall be responsible for paying the aid.

(b) Responsibility for payment of aid to any person qualifying for and receiving aid from any county, who removes to another county in this state to make his home, shall be transferred to the second county as soon as administratively possible, but not later than the first day of the month following 60 days after notification to the second county.

Article 4. Property Qualifications

11150. It is the intent of this article to set forth the amount of personal or real property, or both, which an applicant for or recipient of public assistance may retain and remain eligible to receive public assistance provided he meets the other eligibility requirements for the category of public assistance for which he is an applicant or recipient.

In the formulation of any regulations pursuant to this article and in the administration thereof, consideration shall be given to the ability and circumstances of the applicant or recipient in order that undue hardship is not imposed upon any applicant or recipient in making plans to comply with the provisions of this article. No applicant or recipient shall be considered ineligible for retaining property where disposition would alter or impair reasonable access to or the normal use of his home.

This article does not apply to aid to families with dependent children, unless otherwise expressly indicated.

11151. An applicant or recipient shall be ineligible to receive public assistance unless the property he owns is held for the following purposes:

1. The property is used to provide the applicant or recipient with a home and conforms to the provisions of Section 11152 of this code.

2. The property is producing income for the support of the applicant or recipient and conforms to the provisions of Section 11153 of this code.

3. The property is held as a reserve to meet a contingent need, not included within the standard of assistance for which an aid payment is made, and conforms to the provisions of Section 11154 of this code.

4. The property is personal in nature, or meets a special need of the applicant or recipient, or is part of a self-care or rehabilitation plan, or is not available for expenditure or disposition by the applicant or recipient and conforms to provisions of Section 11155 of this code.

11152. An applicant or recipient may retain personal or real property owned by him, or in combination with any other person, without reference to its value, if it serves to provide the applicant or recipient with a home. The basic home may be a multiple-dwelling unit if the units not occupied by the applicant or recipient are producing income for the support of the applicant or recipient consistent with their rental value.

Any applicant or recipient who does not own a suitable home may apply other real property or the proceeds received therefrom for the acquisition of a home. Such property in whatever form held shall be considered to be used as a home during such time as the following conditions apply:

1. A plan has been made which will provide that the property will be used through conversion or transfer within six months for the purpose of providing a home.

2. Any proceeds received from the sale are used within one year of the date of conversion or application for aid, whichever is later, for the purchase of a home, or for the costs of moving, necessary furnishings, or necessary repairs or alterations to the home, except that an amount may be set aside within the limits permitted by Section 11154 of this code.

3. Proceeds of conversion which are received in a form not readily applicable to the initial payment on purchase of the home are retained, and all payments thereafter received on such proceeds are applied to the balance due on the home, or for the costs of moving, necessary furnishings, or necessary repairs or alterations to the home.

11153. Real property owned by the applicant or recipient, or in combination with his spouse, which is producing income, reasonably consistent with its value, which is used for the support of the applicant or recipient, may be retained in an amount not to exceed an assessed valuation of five thousand dollars ($5,000) as assessed by the county assessor.

11154. The applicant or recipient may retain as a reserve for future contingencies any combination of personal or real property not to exceed a total value of one thousand two hundred dollars ($1,200), or, in case of a married couple both receiving public assistance, two thousand dollars ($2,000). Any real property held as such reserve shall be valued at its net appraised market value.

11155. The value of the following property shall be excluded in determining eligibility:

1. Personal jewelry, personal effects, home furnishings and other property used to provide, equip and maintain a home for the applicant or recipient.

2. Equipment and material which is necessary to implement a rehabilitation or self-care plan for the applicant or recipient.

3. Motor vehicle needed for transportation.

4. Any property right which is essential to land use or which is not available for the use of or expenditure by or in behalf of the applicant or recipient to meet a current or future need of the applicant or recipient.

11156. If a recipient purchases with cash an essential item, and such purchase under the rules and regulations of the department would have entitled him to a special need allowance each month to meet monthly installments on such purchase had he paid for the item in monthly installments, the recipient shall be considered to have purchased the item from his personal property holdings, and shall be allowed to place in his savings, each month, without deduction from his grant, an amount of income equivalent to the special need allowance he would have been granted had he paid for the item on a monthly installment basis, if he reports the purchase to the county department within 90 days after the date on which it was made. The income placed in his savings shall be considered personal property.

The county department, for good and sufficient reason, may extend the period during which a recipient may report a purchase under this section. The department, in its rules and regulations, shall indicate what constitutes good and sufficient reason for extending that period.

11157. Gifts of money received by an applicant or recipient, including an applicant for or recipient of aid to families with dependent children, shall be deemed personal property to the extent that the amounts received do not cause the value of the personal property holdings of the applicant or recipient to exceed the amount prescribed by law. In the event the amounts received cause the personal property holdings of the applicant or recipient to exceed the amount prescribed by law, the excess shall be considered income to the applicant or recipient.

This section shall not apply to gifts of money received by a recipient at regular recurring intervals, which from past experience may be reasonably expected to be continued in the future.

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) Interment plots as defined in Section 7022 of the Health and Safety Code.

(b) Money placed in an irrevocable trust for funeral, cremation, or interment expenses.

(c) Life or burial insurance purchased specifically for funeral, cremation, or interment expense.

CHAPTER 2. AID TO FAMILIES WITH DEPENDENT CHILDREN

Article 1. General Provisions

11200. This chapter shall be known and may be cited as the Burton-Miller Act.

11201. For the purposes of this chapter, "unemployed parent" means a natural parent, adoptive parent, or stepparent with whom the child is living, and who:

(a) Is not working but is available for and seeking employment or, as a result of unemployment, has been accepted for or is participating in a training project essential to future self-support, or

(b) Is employed only part time as determined in accordance with such standards as may be developed by the department in its rules and regulations, which standards shall be consistent with federal law and regulations governing the payment of federal funds to this state under the Social Security Act and consistent with other provisions of this chapter.

11202. As used in this chapter, the term "needy child" means a child living in a family as described in Section 11250, or a child as described in Section 11251.

11203. During such times as the federal government provides funds for the care of a needy relative with whom a needy child or needy children are living, aid to the child or children for any month includes aid to meet the needs of such relative, if money payments are made with respect to the child or children for that month, and if the relative is not receiving aid to the aged for that month under the Old Age Security Law.

11204. Nothing in this chapter shall be construed as authorizing any public official, agent, or representative, in carrying out any of the provisions of this chapter, to take charge of any child over the objection of either of the parents of

such child, or of the person standing in the place of a parent to such child, except pursuant to a proper court order.

11205. It is the object and purpose of this chapter to provide aid for children whose dependency is caused by circumstances defined in Sections 11250 and 11251, to keep children in their own homes wherever possible, and to provide the best substitute for their own homes for those children who must be given foster care.

Those engaged in the administration of aid under this chapter are responsible to the community for its effective, humane, and economical administration.

It is the intent of the Legislature that the employment and self-maintenance of parents of needy children be encouraged to the maximum extent and that this chapter shall be administered in such a way that needy children and their parents will be encouraged and inspired to assist in their own maintenance. The department shall take all steps necessary to implement this section.

11206. In case of dispute, the application and supporting documents pertaining to his case on file in the department or on file in any county office shall be open to inspection at any time during business hours by the applicant or recipient or his attorney or agent.

11207. Every county shall grant aid to any child eligible therefor, in any amount needed, not to exceed the amount specified in Section 11450, and shall administer this chapter in such a manner as to achieve the greatest possible reduction of dependency and to promote the rehabilitation of recipients. At the time of application the county department shall discuss parental responsibility with the applicant.

11208. Caseworker services shall be made available immediately to an applicant for aid under this chapter upon the filing of his application.

11209. The department shall: (a) make rules and regulations for the proper maintenance and care of needy children; (b) make rules and regulations for the administration of aid to families with dependent children. Such rules and regulations shall be binding upon the institutions and counties.

The department may inquire at any time into the management of any institution receiving aid under the provisions of this chapter or into the management by any county of aid to families with dependent children.

If an institution or county fails to comply promptly with the provisions of this chapter and the rules and regulations of the department cannot be enforced in any other manner, the institution or county failing or refusing to comply with such provisions, rules, and regulations, or to permit the inquiry provided for in this section, shall not thereafter receive aid under the provisions of this chapter until it has complied with all such provisions, rules, and regulations and has permitted the inquiry by the department, if such inquiry is demanded.

11210. The department shall make such reports, in such form and containing such information, as the United States Department of Health, Education, and Welfare from time to time requires, and shall comply with such provisions as that department from time to time finds necessary to assure correctness and verification of such reports.

Article 2. Eligibility for Aid

11250. Aid, services, or both, shall be granted under the provisions of this chapter, and subject to the regulations of the department, to families with related children under the age of 18 years, in need thereof because they have been deprived of parental support or care due to:

(a) The death, physical or mental incapacity, or incarceration of a parent; or

(b) The divorce, separation or desertion of a parent or parents and resultant continued absence of a parent from the home for these or other reasons; or

(c) The unemployment of a parent or parents.

11251. Aid and services shall also be provided under this chapter to or in behalf of any child under the age of 18 who is in need and lacks parental support and care and who:

(a) Has been relinquished, for purposes of adoption, to a county adoption agency or an organization licensed by the department as an adoption agency, if such child was receiving assistance under this chapter at the time of relinquishment, or subsequent to relinquishment has been found to be unplaceable for adoption; or

(b) Lacks parental support for the same reasons set out in Section 11250, is in need of aid as well as protection or care by persons other than his parents, and has been placed in foster care for purposes of providing such care and protection.

For purposes of this chapter, "foster care" means care other than in the home of his parent or relative, as these terms are used in Title IV of the Federal Social Security Act.

11252. No child is eligible to receive aid unless he has residence in the state.

For the purposes of this chapter, a child who meets any of the following qualifications has residence in the state:

(a) If he has been physically present in the state for one year immediately preceding the date of application.

(b) If his parent or parents have resided in the state for the period of one year immediately preceding the date of application.

(c) If the parent or other relative with whom the child is living has resided in the state for the period of one year immediately preceding the birth of the child and the child was born within one year immediately preceding the date of application.

(d) If he is born in the state.

11253. Aid may not be granted under the provisions of this chapter to or in behalf of any child over the age of 16 unless:

(a) He is regularly attending school or a training program, or

(b) He is physically or mentally disabled, or

(c) He is employed and contributing to the family, or applying his earnings to a plan approved by the county department for his further education or preparation for future employment.

11254. Aid may not be granted under the provisions of this chapter to or in behalf of persons whose need and deprivation are due to parental separation or desertion which has endured for less than three months.

11255. No aid under this chapter shall be granted or paid to any child who owns, or whose parent owns, real property, the combined assessed value of which as assessed by the county assessor, less all encumbrances thereon of record, exceeds five thousand dollars ($5,000) at the time application for aid is made, or while in receipt of such aid. Real property owned but not occupied as a home by a child receiving aid under this chapter or by the parent of such child shall be used to provide for the needs of the child or his parent, or both. No child shall be disqualified for aid if such property is not available for sale or use.

11256. For the purposes of this chapter only, the ownership of stock in a water company not appurtenant to the land shall be considered real property to the extent of and in the amount necessary to obtain water for agricultural purposes.

11257. No aid under this chapter shall be granted or paid for any child who has personal property, the total value of which exceeds six hundred dollars ($600), nor for any child or children in one family who have, or whose parents have, or the child or children and parents have, personal property the combined value of which exceeds six hundred dollars ($600).

11258. For the purposes of this chapter, the term personal property shall not include the value of clothing, furniture, household equipment including musical instruments and other recreational items, foodstuffs, fuel, personal effects and personal jewelry.

11259. For the purposes of this chapter, "personal property" shall not include the value of property belonging to an absent parent and not available to the family.

11260. A child's share of any estate, which share has not been distributed and of which he has no present economic use, does not constitute property for the purpose of this chapter.

11261. For the purposes of this chapter, the value of supplies, equipment, tools of the trade, motor vehicles within reasonable values established by the department when used for work or to seek work, and other personal property directly connected with efforts to become self-supporting, which are a part of a program to assist in maintenance and self-support, shall not be considered as personal property.

11262. Lump sum income received and available for the support of a needy child, which has accrued over a period of two or more months and may be expected to be repeated in the future, shall be utilized to meet the needs of such needy child. No portion thereof shall be considered personal property.

11263. Except as provided in Section 11455, no child over the age of 18 years is a needy child within the meaning of this chapter.

11264. No child maintained in an institution, for whom a bona fide offer of a proper home has been made, is eligible for further aid; but no institution shall be required to surrender a child to any person of religious faith different from that of the child or the parents of the child.

11265. The county shall redetermine eligibility annually. The county shall at the time of such redetermination, and may monthly or at such other intervals as may be deemed necessary, require the family to complete a certificate of eligibility containing a written declaration of such information as may be required to establish the continuing eligibility and amount of grant pursuant to Section 11004 of this code.

The certificate shall include blanks wherein shall be stated the names of all children receiving aid, their present place of residence, the names and status of any other adults living in the home, and any outside income that may have been received through employment, gifts, or the sale of real or personal property.

If the certificate is mailed to the family, it shall be accompanied by a stamped envelope for its return. In the event the certificate is not completed and returned within 10 days after it is mailed or personally delivered to the family, a home visit shall be made to the family, and the certificate shall then be completed with the assistance of the social worker, if needed. If there is a refusal to complete such certificate, the warrant for the succeeding month may be withheld pending clarification of eligibility.

Any person signing such certificate who willfully states therein any material matter which he knows to be false is guilty of a misdemeanor.

Article 3. Work and Vocational Training

11300. The provision of useful work experience and constructive vocational training for unemployed recipients is a matter of statewide concern.

Insofar as practical, each county department shall establish a community work experience and vocational training program for unemployed persons and others for whom such experience and training is deemed desirable as part of a plan to help them become self-supporting.

Such programs shall be conducted in accordance with standards and regulations established by the department as desir-

able and necessary to qualify for such federal funds as are available.

The cost of materials, equipment and supervision provided by agencies cooperating with the county department in community work experience and training programs shall not be charged as an administrative expense under this chapter or with respect to other public assistance programs.

All public entities, including state agencies, are authorized to cooperate and participate with the county department in the establishment of community work experience and training projects.

Work projects developed under this section shall be confined to projects which serve a useful public purpose, do not result either in displacement of regular workers or in the performance of work that would otherwise be performed by employees of public or private agencies, institutions, or organizations, and (except in cases of projects which involve emergencies or which are generally of a nonrecurring nature) are of a type which has not normally been undertaken in the past by the state or community, as the case may be.

11301. Any child who is otherwise qualified to receive aid under this chapter may be disqualified from receiving such aid for so long as the parent of the child refuses to accept vocational rehabilitative training necessary to improve or restore his capacity to support himself and his dependents, or fails to cooperate to the best of his ability in order to render himself more fully capable of supporting himself and his dependents.

The county may refer the incapacitated parent of a needy child to the Department of Rehabilitation to determine the feasibility of rehabilitation of such person. The department and the Department of Rehabilitation shall jointly develop plans for the orderly processing of such cases. Priority shall be given to cases for which rehabilitation is determined to be most feasible.

Nothing in this section shall be construed to prevent the department and the Department of Rehabilitation from determining the types of cases for which vocational rehabilitation is not feasible and for which referral is unnecessary.

11302. Any child may be disqualified to receive aid for so long as the parent of the child refuses to accept reasonable employment or fails to cooperate to the best of his ability with plans designed to render him more fully capable of supporting himself and his dependents.

Each county shall, in administering aid under this chapter, make a determination as to the competence, physical ability and availability of each parent to engage in remunerative work and shall require those parents, where it is deemed feasible, to register for employment at the nearest office of the State Department of Employment.

The department and the State Department of Employment shall jointly develop plans for the orderly processing and

placement of such cases. Priority shall be given to those cases with the maximum availability and ability to work.

Nothing in this section shall be construed to prevent the department and the State Department of Employment from jointly setting forth the types of cases and conditions for which employment is not reasonable and for which referral to the Department of Employment is unnecessary.

11303. Aid shall be denied to an unemployed parent and his family if it is determined by the county department, in accordance with regulations of the department, that:

(a) He fails to seek and to keep himself currently available for employment as required by standards set by the department, or

(b) He refuses without good cause to accept part-time, full-time, temporary or permanent employment without reference to his customary occupation or skill. Good cause for refusal of employment shall be deemed to exist, when:

(1) The offer of employment is not for a specific job at a stated wage comparable to the prevailing wage for that type of employment in the community, or

(2) The job is available because of a bona fide labor dispute, the existence of which has been established by the State Department of Employment, or

(3) The job is not within the physical or mental capacity of the person, as established, when necessary, by competent professional authority, or

(4) Acceptance would be an unreasonable act because of hardships imposed upon the person or his family due to illness or remoteness; interruption of a program in process for permanent rehabilitation or self-support; or conflicting with an imminent likelihood of reemployment at his regular work.

11304. The State Department of Employment shall report immediately to the county department whenever an unemployed parent willfully fails or refuses to comply with the provisions of Section 11303.

11305. An unemployed parent shall be denied aid for himself and his family if without good cause:

(a) He refuses to accept assignment to a community work or training project, or

(b) He willfully fails to report to an assigned community work or training project.

11306. When aid is granted under this chapter to an unemployed parent and his family, whenever practical or feasible, such parent or other employable family member shall be assigned to a community work or training project established and conducted under the provisions of Section 11300 of this code.

Article 4. Relatives' Responsibility

11350. If at any time during the continuance of aid under this chapter, the county, upon investigation, determines that the parent of a recipient has been gainfully employed or has

had sufficient assets to enable him to reasonably assist the recipient during the period in which the child was receiving aid, it may, after notifying the parent of the amount of assistance granted, bring suit against the parent to recover the amount of assistance paid under the provisions of this chapter, including any assistance paid after commencement of the suit and before rendition of judgment.

11351. Where a needy child lives with his mother and a stepfather or an adult male person assuming the role of spouse to the mother although not legally married to her, the amount of the grant made pursuant to Section 11450 of this code shall be computed after consideration is given to the income of the stepfather or such adult male person. The county granting aid shall determine if the stepfather or such adult male person is able to support the child either wholly or in part. The determination shall be based upon a standard which takes into account the stepfather's or such adult male person's income and expenses under regulations adopted by the department.

Notwithstanding the provisions of Section 209 of the Civil Code, a stepfather or such adult male person is bound to support, if able to do so, his wife's children if without support from such stepfather or adult male person they would be needy children eligible for aid under this chapter. However, such liability for support shall not exceed the wife's community property interest in his income.

A natural father is not relieved of any legal obligation to support his children by the liability for their support imposed upon their stepfather by this section.

As used in this section, "adult male person" means any male person of age 18 years or older.

11352. The department shall establish a scale of suggested minimum contributions to assist counties and courts in determining the amount that a parent should be expected to pay toward the support of his child under this chapter. The scale shall include consideration of gross income, shall authorize an expense deduction for determining net income, shall designate other available resources to be considered, and shall specify the circumstances which should be considered in reducing liability on the basis of hardship.

The department shall accept and compile information from the counties in order to establish such minimum scale of suggested contributions, and copies of the scale shall be made available to courts, county departments, district attorneys, and, upon request, to any other county officer or agency engaged in the administration or enforcement of this chapter in any manner.

It is intended that the use of the scale formulated pursuant to this section be optional, and that no county, court, officer, or agency be required to use that scale unless they so desire.

11353. Any parent in the state whose absence is the basis upon which an application is filed for aid in behalf of a child shall be required to complete a statement of his current monthly income, his total income over the past 12 months, the number of dependents for whom he is providing support, the amount he is contributing regularly toward the support of all children for whom application for aid is made under this chapter, his current monthly living expenses and such other information as is pertinent to determining his ability to support his children.

A violation of this section constitutes a misdemeanor.

Article 5. Institutions and Boarding Homes

11400. If, when and during such times as the federal statutes provide federal funds for any child who is granted aid pursuant to subsection (b) of Section 11450, the department shall establish such regulations as are necessary for this state to qualify for any federal funds available.

11401. No child shall receive aid under this chapter while he is a patient in a public hospital, except with respect to temporary medical or surgical care not exceeding two calendar months, in which event the child shall be eligible to receive not to exceed two monthly warrants after becoming a patient.

11402. County claims for aid to needy children placed in boarding homes, as defined by the rules and regulations of the department, and institutions shall be filed separately and distinct from other claims and shall be filed for aid furnished by the county at times and in the manner prescribed by the department. Payments for such children may be made subsequent to the furnishing of care and support to needy children in boarding homes and institutions and may be made at the end of each month for amounts granted to such boarding homes and institutions providing care and support for the needy children maintained therein during the month.

11403. An institution maintaining a needy child may make application to the department for aid for the child. Upon receipt of documents and facts establishing the eligibility of a needy child under this chapter, the Director of Social Welfare shall award aid to such child to be paid to the institution in an amount not to exceed 67.5 percent of eighty-five dollars ($85) per month, or so much thereof as is necessary for the adequate care of the child.

11404. If the application is filed by an institution and is granted by the department in the calendar month in which it was signed, payment of aid shall commence as of the date the application was signed; but if the application is filed by an institution and is granted by the department in a subsequent month, payment shall be commenced as of the date determined by the department, but in no event shall payments of aid antedate the date of an application.

11405. Claims for aid to needy children in institutions, eligible under the provisions of this chapter to receive aid, and

the county claims provided for in Section 11402 of this code for aid to needy children placed in boarding homes, as defined by the rules and regulations of the department, and institutions, shall be presented by the institutions and counties at times and in the form prescribed by the department. Such claims shall be audited by the department and the State Controller. When and in the amount approved, the State Controller shall draw the necessary warrant for the amount allowed in favor of the institution or the county, and the State Treasurer, on presentation, shall pay the same from the sums appropriated in Section 15200. No money appropriated by the state to any institution claiming aid under this chapter shall be expended either in improvements or in the erection of any buildings by such institution.

Article 6. Computation and Payment of Aid Grants

11450. (a) For each needy family which includes one or more needy children qualified for aid under this chapter, except as provided in Section 11403, there shall be paid the sums specified in the following table, or so much thereof as is necessary for the adequate care of the needy family:

Number of needy children in the same home	Maximum aid
1 child	$145
2 children	168
3 children	215
4 children	256
5 children	291
6 children	320
7 children	343
8 children	360
9 children	371

Plus five dollars ($5) per child for each additional child.

If, when and during such times as the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on January 1, 1961, the amounts specified in the above table shall be increased or decreased by an amount equal to such increase or decrease by the United States government.

(b) For children receiving foster care who are qualified for aid under the provisions of this chapter, except as provided in Section 11403, there shall be paid the sum necessary for the adequate care of each child, but not to exceed in any month the product of eighty dollars ($80) multiplied by the number of children in each county receiving foster care. The state shall pay 67.5 percent and the county shall pay 32.5 percent of the aid furnished for the adequate care of such children.

(c) As used in this chapter, "foster care" means care in a boarding home or institution.

11451. Any county may, in its discretion, pay from its own funds additional sums for the care of any needy child, and the state and county may pay such aid as is needed for the adequate care of the family from other state or county funds.

11452. Minimum basic standards of adequate care shall be distributed to the counties and shall be binding upon them. Such standards shall be determined by the rules and regulations of the department, to insure:

(a) Safe, healthful housing.

(b) Minimum clothing for health and decency.

(c) Low cost adequate food budget meeting recommended dietary allowances of the National Research Council adapted to prices of the area in which the recipient resides.

(d) Utilities in accordance with the basic minimum need.

(e) Other items verified as needed, including household operation, education and incidentals, recreation, personal needs, and insurance.

(f) Allowance for essential household furniture and equipment.

(g) Allowance for essential medical, dental, or other remedial care when not available through a public facility.

(h) Allowances for special needs for any one or more of the following items: special diets upon the recommendation of a physician, transportation, laundry, housekeeping service, and telephone; and utilities in excess of the basic minimum need.

11453. The budget established by the department in compliance with Section 11452 shall be revised no oftener than semiannually and each county shall have a minimum of three months between the receipt thereof and the effective date of such budget revision within which to comply with such revision.

All grants computed in accordance with the budget shall be paid to the nearer dollar. No change shall be made in the grant for increases or decreases of less than two dollars ($2).

11454. Aid under this chapter may be paid in kind, wholly or in part, in any case where it is determined by the county director of the county in which the case is pending that there is mismanagement of aid payments in cash by the person in receipt thereof. The department shall make rules and regulations for the payment of aid under this section so that such aid will be paid only in cases wherein it is shown to be necessary. Aid under this section shall be paid in accordance with minimum basic standards of adequate care as prescribed by Section 11452 of this code. The cost of aid shall be borne by the state and county in the same proportion and up to the same maximums as are specified for state-county participation in aid in Sections 11450 and 11207 of this code. Noth-

ing in this section shall be construed as requiring a county to provide aid in an amount in excess of that which it is required to provide under Section 11450 of this code. Aid granted under provisions of this section shall be paid without federal participation in the cost thereof whenever such federal participation is not provided by the laws of the United States or rules and regulations promulgated thereunder.

11455. If on the first day of the month a child is eligible for aid, aid for the entire month shall be paid.

11456 Payments made under this chapter shall be issued at periods most nearly consistent with prevailing patterns for wages in local industry.

11457. When payments for child support, or fines, penalties or forfeitures imposed under Section 270d of the Penal Code, are made by or collected in any way from absent parents, such payments will be taken into account in determining the amount of aid to be paid.

Money from absent parents for support of a needy child, when collected by or paid through any public officer or agency, shall be transmitted to the county department providing aid to be used for the support of the child. All absent parents' payments or collections available to the county department for support of the child shall be applied first to support for the calendar month following receipt by the county department, and any balance remaining shall either be applied against future needs or be treated as reimbursement for past support furnished from public assistance funds.

11458. The county may cancel, suspend or revoke aid under this chapter for cause. Upon instructions from the department, the county shall cancel, suspend or revoke aid under this chapter.

Upon request of the department, an immediate report of every suspension of aid shall be made to the department stating the reason for the suspension and showing the action of the county in approving the suspension.

Article 7. Enforcement

11475. It is the duty of the district attorney to take such action as may be prescribed in this article, and in Section 270 of the Penal Code, to enforce the support liability of persons responsible for the support of children receiving aid under this chapter.

However, it is not intended that the district attorney shall initiate any support proceedings under this article against caretaker parents except on the request of the county department. The filing of an application for aid under this chapter shall not constitute and shall not be construed as a failure or refusal of any parent signing the application to carry out his parental responsibilities as provided in Section 270 of the Penal Code.

11476. In all cases in which the whereabouts of the parent is unknown, the county department shall refer the applicant to the district attorney at the time the application for assistance is signed.

In all cases in which the absent parent is in the county and his whereabouts is known, it shall be the duty of the county department to interview him as soon as possible after the application for assistance is signed. The county department shall determine his ability to support his children, make arrangements for his complying with his obligation to support, discuss his parental responsibilities, and explore the possibility of a reconciliation and the resumption of a parental relationship with his children. If the county department is unable to enter into a satisfactory support agreement with the absent parent within 45 days after the application for assistance is signed, the county department shall refer the case to the district attorney unless it has definitely determined that the man is financially incapable of supporting the child. If the absent parent is residing out of the county and his whereabouts is known, the county department may, within its discretion, attempt to interview him for the same purposes and under the same conditions as stated above.

Anything in this section to the contrary notwithstanding, it shall be the duty of the county department to refer to the district attorney any case in which one or more of the following factors appear:

1. The absent parent refuses to be interviewed, to provide necessary information, or to discuss his parental responsibilities.

2. The absent parent refuses to make a contribution in accordance with his financial ability.

3. There is reason to believe that the parent may flee or hide if contacted by the county department.

4. The absent parent's previous history indicates that although he is capable of a support contribution, efforts by the county department to obtain support would be fruitless.

5. Legal action is necessary to establish paternity.

6. The absent parent has entered into an agreement with the county department to support his child and without good cause has failed to comply with that agreement for an unreasonable period, which in no event shall exceed 60 days.

The county department shall cooperate with the district attorney and shall report to him all information contained in the case record which concerns the question of nonsupport and the suitability of prosecution as a method of obtaining support for the child in each case.

Upon referral, the district attorney shall immediately investigate the question of nonsupport and shall take all steps necessary to obtain support for the needy child. However, upon the advice of the county department that a child is being considered for adoption, the district attorney shall delay his investigation and other action with respect to the case

until advised that the adoption is no longer under consideration.

The granting of aid to the applicant shall not be delayed or contingent upon investigation by the district attorney.

The county department shall immediately notify the district attorney of the county whenever aid is granted to a child who is not being supported by a parent, unless it is definitely established that the parent is financially incapable of providing such support. Such notice shall require no action by the district attorney unless and until the case has been referred to him by the county department.

11477. Any child, who is otherwise qualified to receive a grant or payments of aid under this chapter by reason of the continued absence of one of such child's parents from the home and who is residing with, or is in the custody or control of the other parent, shall be disqualified from receiving such grant or payments for so long as the parent, who has such custody and control or with whom such child resides, refuses law enforcement officers charged with the duty or right of enforcing the obligation of such absent parent for the care, support and maintenance of such child under and by virtue of the penal laws of the State of California, reasonable assistance in the enforcement of such obligation.

Any one or more of the following acts by the parent having custody of the child shall be deemed to be a refusal to offer reasonable assistance to law enforcement officers:

(a) A refusal to be interviewed by the district attorney.

(b) A refusal to sign a complaint against the absent parent.

(c) A request to dismiss the complaint.

(d) The concealment of the identity or whereabouts of the absent parent.

11478. All state, county, and local agencies shall cooperate in the location of parents who have abandoned or deserted children, irrespective of whether such children are or are not receiving aid to families with dependent children, and shall on request supply the county department, any county probation officer, or the district attorney of any county in this state with all information on hand relative to the location, income, and property of such absent parents, notwithstanding any other provision of law making such information confidential, and with all information on hand relative to the location and prosecution of any person who has, by means of false statement or representation or by impersonation or other fraudulent device, obtained aid for a child under this chapter. The county department shall use such information only for the purposes of administration of aid under this chapter, and the district attorney or county probation officer shall use it only for the purpose of enforcing the support liability of such absent parents or for the prosecution of other persons mentioned in this section, and neither shall use the information, or disclose it, for any other purpose.

Nothing in this section shall be construed to compel the disclosure of information relating to a deserting parent who is a recipient of aid under a public assistance program for which federal aid is paid to this state, if such information is required to be kept confidential by the federal law or regulations relating to such program.

11479. In all cases in which the paternity of the child has not been established to the satisfaction of the county department, the county department shall refer the applicant to the district attorney at the time the application is signed. Upon the advice of a county department that a child is being considered for adoption, and regardless of whether or not the whereabouts of the parent is known, the district attorney shall delay his investigation and other action with respect to the case until advised that the adoption is no longer under consideration. The district attorney shall conduct such investigation as he considers necessary, and where he deems it appropriate, he may bring an action under Section 231 of the Civil Code. When the cause is at issue, it shall be set for trial at the earliest possible date and shall take precedence of all other cases except older matters of the same character and matters to which precedence may be given by law.

11480. Any person other than a needy child, who willfully and knowingly receives or uses any part of an aid grant paid pursuant to this chapter for a purpose other than support of the needy children and the caretaker involved, is guilty of a misdemeanor.

11481. If the district attorney, during the course of any investigation made by him pursuant to this article, determines that any person has committed any act or has omitted the performance of any duty, which act or omission causes or tends to cause or encourage any child receiving aid under this chapter to come within the provisions of Sections 600, 601, or 602 of this code, the district attorney shall prosecute such person under the provisions of Section 272 of the Penal Code.

11482. Any person other than a needy child, who willfully and knowingly, with the intent to deceive, makes a false statement or representation or knowingly fails to disclose a material fact to obtain aid, or who, knowing he is not entitled thereto, attempts to obtain aid or to continue to receive aid to which he is not entitled, or a larger amount than that to which he is legally entitled, is guilty of a misdemeanor.

11483. Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device, obtained aid for a child not in fact entitled thereto, the person obtaining such aid shall make restitution and all actions necessary to secure restitution may be brought against him.

11484. If aid has been applied for or granted to a child of parents who are divorced or legally separated, or who are engaged in a divorce or separate maintenance action which is pending, the district attorney may apply to the superior court

in such action for an order directing either parent or both to show cause:

(1) Why an order of support for the child should not be entered, or

(2) Why the amount of support previously ordered should not be increased, or

(3) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered.

11485. If, to the knowledge of the court, aid has been applied for or granted to a child of parents who are engaged in a divorce or separate maintenance action which is pending, or if the court at any stage of the litigation believes that within the near future there is a likelihood that aid will be applied for on behalf of the child, the court shall direct the clerk to notify the district attorney and the county department of the pending action.

In any case in which aid has been applied for on behalf of the child, and the county department has knowledge that an action for divorce or separate maintenance has been filed, it shall be the duty of the county director to notify the court that aid is being paid or has been applied for, and to furnish to it such information as is available to the county department as to the financial resources of the parents which might be applied to child support

The enforcement remedies provided the district attorney under this article shall not preclude the use of any other remedy which he has under the law to enforce this article.

11487. Whenever any aid under this chapter is repaid to a county or recovered by a county pursuant to Section 11350, the state shall be entitled to a share of the amount received or recovered, proportionate to the amount of state funds paid, and, if funds advanced by the federal government were paid, the federal government shall be entitled to a share of the amount received or recovered, proportionate to the amount of federal funds paid.

Repayments to the state and to the federal government made pursuant to this section shall be computed after deducting the costs reasonably and necessarily incurred by the district attorney's office in locating and recovering from the parents of the children receiving aid under this chapter. The county shall establish a recordkeeping system, in accordance with standards prescribed by the department, to support the deductions provided for in this section.

The second paragraph of this section shall take effect if and when amendments to the federal statutes or rules and regulations of the United States Department of Health, Education, and Welfare take effect permitting the use of federal funds to reimburse local law enforcement agencies for the costs incurred by them in enforcing the support liability of parents of children receiving aid under this chapter.

CHAPTER 3. OLD AGE SECURITY LAW

Article 1. General Provisions

12000. This chapter may be cited as the Old Age Security Law, and aid granted under this chapter shall be known as aid to the aged.

12001. The board of supervisors of every county shall follow the policy of giving the aid provided for in this chapter to every applicant in his own or in some other suitable home of his own choosing, in preference to placing him in an institution.

It is the intent of the Legislature that employment and self-maintenance of aged persons shall be encouraged whenever feasible. Participation shall be entirely voluntary on the part of the aged person and no pressure shall be exercised to obtain his participation. The department shall take all steps necessary to effectuate this general purpose. No aged person shall be disqualified for assistance or otherwise penalized if he refuses to seek or accept employment.

12002. All aid granted under the provisions of this chapter shall be deemed to be granted and held subject to the provisions of any law hereafter enacted amending or repealing in whole or in part the provisions of this chapter. No recipient under this chapter shall have any claim for compensation or otherwise because his aid is affected in any way by any such amending or repealing act.

12003. Nothing in this chapter shall be construed as repealing any act or part of an act providing for the support of the poor except insofar as inconsistent therewith.

12004. Any person who, knowing that the owner of property is an applicant, aids or abets in buying or in any way disposing of the property, shall give 15 days' notice of the intention to make the transfer to the board of supervisors, by serving upon the chairman of the board a declaration in writing setting forth the name of the owner of the property, the fact that he is an applicant, a description of the property sufficient to enable it to be identified with reasonable certainty, and the time and place where the contemplated transaction will be completed, and failure to give such notice shall constitute a misdemeanor.

12005. No person shall be denied aid under this chapter for any transfer of his property which transfer has not deprived him of the present use, enjoyment or income thereof, and which property would not have rendered him ineligible under Article 4 (commencing with Section 11150) of Chapter 1 of this part.

12006. No question, inquiry, or recommendation under the authority of this chapter or the rules of the department shall relate to the political or religious opinions or affiliations of any person, and no grant or denial of aid under this chapter shall

be in any manner affected or influenced by such opinions or affiliations.

12007. Whenever complaints are repeatedly made to the department concerning the conduct or acts of any county officer or employee in connection with the administration of this chapter, the department shall consider such complaints, and if it finds that the conduct or acts complained of are inimical to the purposes and proper administration of this chapter, the department shall report the complaints and its findings relating thereto to the board of supervisors of the county for investigation and appropriate action designed to eliminate such conduct or acts promptly. The board of supervisors shall utilize dismissal, suspension, or demotion of such officer or employee, whenever necessary to eliminate the inimical acts or conduct, and shall immediately thereafter report to the department the action taken.

12008. In case of dispute, the application and supporting documents pertaining to his case on file in the department or on file in any county office or elsewhere, shall be open to inspection at any time during business hours by the applicant or recipient, or by his designated attorney or agent, upon proof of his designation as such attorney or agent. The county department shall transmit to the applicant or recipient, and to his designated attorney or agent, if any, within 10 days after request is made therefor, such information as is available in the case record, which will assist the applicant or recipient in filing an appeal to, or applying for a hearing before, the department or in filing a petition for judicial review under Section 10962.

12009. After advice, instructions given by a representative of a county to an applicant or recipient regarding the sale of real or personal property by the applicant or recipient shall be in writing, and shall indicate the effect of such sale on the eligibility of the applicant or recipient for aid under this chapter.

Nothing in this section is intended to limit the right of the representatives of the county and the recipient, or his representatives, to freely discuss any matters germane to his aid.

12010. During such time as grants-in-aid are provided or made available to the states by the United States government as assistance to aged persons, the Governor may enter into and execute on behalf of this state all necessary agreements in connection therewith which may be required by the United States government. Any money refunded under the provisions of Sections 12203 and 12205 of this code shall be repaid to the county, to the state, and to the United States government. The federal government shall be entitled to a share of any amounts collected from recipients or from their estates proportionate to the amount of federal funds paid, which proportionate share may be specified by the department. The amount due the United States shall be paid promptly by the state to the United States government and the remainder shall be paid to the

county and the state in the proportion that each may have contributed to the aid granted.

12011. No rule or regulation shall be adopted by the department or continued in force, the operation of which results in discrimination against practitioners of any type of therapy, treatment by prayer or spiritual means, or other treatment recognized as a branch of the healing arts in favor of the practitioners of any other branch of the healing arts.

12012. The department shall supervise and pass upon the measures taken by the county boards of supervisors for the care of needy aged citizens, to the end that they shall receive suitable care and that there shall be throughout the state a uniform standard of records and method of treatment of aged persons based upon their individual needs and circumstances.

12013. No citizen of California receiving aid under this chapter shall be considered in the custody of the State of California, or any subdivision thereof, by reason of such aid, or subject to control in his manner of living, by state or county officials or employees of the county in which he shall reside; save when adjudged incompetent to care for himself by proper tribunal or when admitted to a state or county hospital for medical attention, in which case he shall be subject to the rules of the institution in the same degree as other patients. Nothing contained in this section shall prevent the payment of aid to any responsible person acceptable to the recipient for the benefit of the recipient, as provided in Section 12158

12014. If any recipient of aid under this chapter also qualifies for aid to the blind, aid to the potentially self-supporting blind, or aid to the needy disabled, he shall be so informed, and if he wishes to transfer, his application for aid under such other program shall be taken promptly, so that there is no interruption in warrant payments to the recipient.

12015. The board of supervisors shall immediately notify the applicant in writing of its decision regarding the granting of aid, and that he may, upon application to the board within 30 days, appear before the board at a time to be fixed by the board, and show cause why the action of the board is not satisfactory. The hearing shall be held within 30 days from the time of application for hearing. Upon good cause shown, the board may reconsider its previous action, and take whatever action the board deems proper upon the application. The decision of the board confirming or reconsidering its previous action shall be rendered within 15 days after the hearing.

The right of hearing by the board of supervisors provided by this section is intended as an alternative to direct appeal to the department, and an applicant who has applied for hearing before the board of supervisors shall not appeal to the department until the decision of the board of supervisors has been rendered. After the decision of the board of supervisors has been rendered, the applicant may appeal therefrom to the department. An applicant who does not apply for hear-

ing before the board of supervisors may appeal directly to the department as provided in Section 10950.

Article 2. Eligibility for Aid

12050. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(a) Who has attained the age of 65 years; provided, that if, when and during such time as the federal government shall provide or make available to this state grants-in-aid to persons who have attained the age of 60 years, the age contained in this subdivision shall be reduced to 60 years and persons who have attained the age of 60 years and who come within all of the descriptions hereinafter contained shall be eligible for aid under this chapter;

(b) Who resides in the state and has so resided continuously for at least one year immediately preceding the date of application and for at least five years within the nine years immediately preceding the date of application; or, who resides in the state and is, or has been within one year prior to his application under this chapter, receiving aid to the blind or potentially self-supporting blind, to which he has become ineligible because of restoration of sight; provided, however, that if, when, and during such time as the federal government shall fix maximum residence requirements, aid shall be paid to any person, otherwise eligible, who meets those requirements;

(c) Who is not cared for under a contract for a period of time exceeding one month; provided, however, that during such times as the federal statutes or rules and regulations provide for federal sharing, all persons cared for under such a contract may be granted assistance for their personal and incidental expenses not to exceed ten dollars ($10) per month if the contract does not specifically provide for this need; provided further, that during such time as the additional federal funds made available for that purpose by federal legislation enacted in 1952 remain available, all persons cared for under a contract mentioned in the last preceding clause of this subdivision may be granted assistance for their personal and incidental expenses not to exceed fifteen dollars ($15) per month in lieu of the ten-dollar ($10) grant authorized by the last preceding clause, if the contract does not specifically provide for this need.

(d) Who is not receiving adequate support from a husband or wife, or child able and responsible under the laws of this state to furnish such support; free board and lodging supplied to an applicant, because of his necessity, by a friend or relative who is not responsible for his support, shall not be grounds for refusing aid;

(e) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(f) Who is not a patient in a public institution for tuberculosis or mental disease.

(g) Who is not a patient in a public medical institution as the result of a diagnosis as having tuberculosis or psychosis.

(h) Who is not an inmate of a public institution of a custodial (nonmedical), penal or correctional character.

(i) Who is not an inmate in a federal medical institution.

12051. For the purposes of this chapter, neither the domicile nor residence of the husband or wife shall be deemed to be the domicile or residence of the other, but each may have a separate domicile or residence dependent upon proof of the fact and not upon legal presumptions. An applicant for or recipient of aid under this chapter shall not lose residence because of marriage.

12052. For the purposes of this chapter, lump sum income received by a recipient shall be deemed personal property to the extent that the amounts received do not cause the value of the personal property reserve of the recipient to exceed the amount prescribed in Section 11154 of this code. In the event that the amounts received cause the personal property reserve of the recipient to exceed the amount prescribed in Section 11154, the excess shall be considered income to the recipient.

This section shall not apply to lump sum income received by the recipient which has accrued over a period of two or more months as an accumulation of earnings or benefits of a recurring type. Such income shall be utilized fully by the recipient to meet his needs.

12053. Any patient or inmate of a public institution who is not qualified for aid because of the provisions of subdivisions (g), (h) or (i) of Section 12050 may make application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such a patient or inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The applicant may remain a patient or inmate of such institution until he receives his first monthly payment, whereupon he shall leave the institution.

12054. No aid shall be granted under this chapter to any alien who has been convicted of an overt act against the government of the United States.

12055. Aid shall be granted to any person who is a resident of a home or institution maintained by any fraternal, benevolent, or other nonprofit organization if the organization has not been paid for the life care and maintenance of the person through assessment of or dues of the person or otherwise, whether or not the person has agreed or promised to pay for his maintenance in the event that he receives any pension, bequest, devise, or other inheritance.

The county from which the person came to such home prior to October 1, 1959, shall, for the purpose of this section, be considered the residence of such person to grant such aid.

12056. If on the first day of the month a recipient of aid is eligible for aid though an inmate of an institution or hospital, he is entitled to receive aid for the month.

If a recipient of aid becomes ineligible for aid due to confinement in an institution or hospital, the order of the board of supervisors suspending his aid may provide that aid shall be restored to him by the county auditor when the recipient ceases to be an inmate, without further order from the board of supervisors.

12057. For the purpose of determining the age of an applicant for aid under this chapter, any of the following documents shall be sufficient proof of the age of the applicant:

(a) Certificate of birth;

(b) Certificate of baptism;

(c) Statement of age as recorded on marriage license or certificate;

(d) Statement of age of the applicant as shown by the record of registration of voters in any political subdivision of this state, at least five years prior to the date of such application;

(e) Entries in a family Bible or other genealogical record or memorandum of the family of such applicant;

(f) The returns of the United States census taken at least five years prior to the date of such application;

(g) The affidavit of a reputable person, if it is based upon his personal knowledge of facts which would determine the probable age of the applicant and is not merely a statement of belief based on applicant's personal appearance; such affidavit shall contain statements of the circumstances upon which the affiant's knowledge is based;

(h) Such other evidence as the department may approve.

12058. The board of supervisors may annually or oftener make such investigation as the board deems necessary to determine the recipient's eligibility to continue to receive aid under this chapter. The amount of aid may be changed or aid may be discontinued if the board finds that the recipient's circumstances have changed sufficiently to warrant it.

Article 3. Relatives' Responsibilty

12100. If an adult child living within this state fails to contribute to the support of his parent as required by Section 12101, the county granting aid under this chapter may proceed against such child. Upon request to do so, the district attorney or other civil legal officer of the county may maintain an action in the superior court of the county granting such aid, to recover that portion of the aid granted as it is determined that

the child is liable to pay, and to secure an order requiring payment of any sums which may become due in the future.

The granting of or continued receipt of aid shall not be held to be contingent upon any court action or order or the child's compliance with provisions of Section 12101.

Any adult child held to be liable to make a contribution for the full or partial support of his parent pursuant to the provisions of Section 12101 of this code may appeal to the department for modification of the required contributions. Such appeal shall be handled in the same manner as specified in Chapter 7 (commencing with Section 10950) of Part 2 of this division for appeals filed by an applicant or recipient.

In the event the amount of earnings, as reported by the relative, is disputed, and it is found necessary to contact the relative's employer, the county shall give prior notice of its intention to do so to the relative.

12101. The ability of an adult child to contribute to the support of a parent shall be determined in accordance with this section.

The maximum monthly amount an adult child shall be required to contribute toward the support of a parent in receipt of aid under this chapter shall not exceed the amount specified by the Relatives' Contribution Scale. Regulations of the department shall prescribe the criteria, methods of investigation and test check procedures relating to the determination of the maximum amount any adult child may be held liable to contribute toward the support of a parent to the end that the required contribution does not impose an undue hardship upon the adult child and administrative time and effort are not expended on nonproductive investigative activities.

For purposes of this chapter, income of an adult child is defined as the sum of the income constituting the separate property of the adult child, the income (excluding earnings) which is community property subject to the direction and control of the adult child, and the earnings of the adult child but not of his or her spouse.

In computing net income, a flat 25 percent allowance shall be permitted for the cost of personal income taxes, disability insurance taxes and social security taxes, expenses necessary to produce the income, including the cost of transportation to and from work, meals eaten at work, and union dues, and the cost of tools, equipment and uniforms.

A responsible relative who is self-employed shall also be allowed to deduct the expenses necessary for obtaining the income.

The department, in establishing criteria and regulations for the administration of this section, shall provide for consideration of contributions made in kind.

Relatives' Contribution Scale

A. Net monthly income	B. Number of persons dependent upon income					
	1	2	3	4	5	6 or more
	C. Maximum required monthly contributions					
$400 or under	$0	$0	$0	$0	$0	$0
401– 450	5	0	0	0	0	0
451– 500	10	0	0	0	0	0
501– 550	15	0	0	0	0	0
551– 600	20	0	0	0	0	0
601– 650	25	5	0	0	0	0
651– 700	30	10	0	0	0	0
701– 750	35	15	0	0	0	0
751– 800	40	20	0	0	0	0
801– 850	45	25	5	0	0	0
851– 900	50	30	10	0	0	0
901– 950	55	35	15	0	0	0
951–1,000	60	40	20	0	0	0
1,001–1,025	65	45	25	5	0	0
1,026–1,050	70	50	30	10	0	0
1,051–1,075	75	55	35	15	0	0
1,076–1,100	80	60	40	20	0	0
1,101–1,125	85	65	45	25	5	0
1,126–1,150	90	70	50	30	10	0

The maximum required monthly contribution of responsible relatives in one family where the net monthly income is over one thousand one hundred fifty dollars ($1,150) shall be the amount computed by entering the column of maximum required monthly contribution appropriate to number of persons dependent upon income as shown in the relatives' contribution scale for a net monthly income of one thousand one hundred twenty-six dollars ($1,126) to one thousand one hundred fifty dollars ($1,150) and then adding to the required monthly contribution thus ascertained an additional sum of five dollars ($5) contribution for each and every bracket of twenty-five dollars ($25) net income over and above one thousand one hundred fifty dollars ($1,150), the same as if the relatives' contribution scale were extended by brackets of twenty-five dollars ($25) net income in column A with corresponding step by step increases of five dollars ($5) monthly contribution in each column under B and C.

Notwithstanding any other provision of this code to the contrary, the provisions of this section and the regulations of the department adopted pursuant thereto shall be the basis for determining the extent of liability of an adult child to contribute to the support of, or defray the cost of any medical care or hospital care and other services rendered to a recipient pursuant to any provision of this code if he is a recipient

of aid under this chapter at the time such medical care or hospital care or other services are rendered.

12102. Notwithstanding any provision of Section 12101, no grant of aid shall be withheld pending investigation of the financial condition of responsible relatives, if the applicant has established the fact that he is not receiving support from such relatives.

12103. Written statements of information required from responsible relatives of applicants need not be under oath, but shall contain a written declaration that they are made under the penalties of perjury, and any person so signing such statements who willfully states therein as true any material matter which he knows to be false, is subject to the penalties prescribed for perjury in the Penal Code.

12104. If the board of supervisors of a county makes an order, under the authority of Section 206.7 of the Civil Code, freeing the responsible relative from the duty of supporting an applicant for or recipient of aid under this chapter, or if the superior court of a county makes a similar order under the authority of Section 206.5 of the Civil Code, such an order shall be deemed to have a retroactive effect and to free the relative from the duty of paying, either to the applicant, recipient, or county, any sum for which he would otherwise have been liable prior to the making of the order, and which yet remains unpaid on the day the order is made.

Nothing in this section shall be construed to give to any responsible relative any right whatever to recover from an applicant, recipient, or county any sum already actually and properly paid by the relative to the applicant, recipient, or county prior to the date upon which the board of supervisors or superior court of the county makes its order under Section 206.7 or 206.5 of the Civil Code.

12105. The obligation of a relative to contribute to the support of an applicant for or recipient of aid under this chapter shall be enforced by civil action and not by criminal prosecution. No relative shall be held criminally responsible for a refusal or failure to contribute or to submit or return any form required of him under this chapter.

12106. No officer or employee of any county shall make any demand upon any person, other than a legally responsible relative, of any applicant for or recipient of aid under this chapter, to contribute a stated amount to the support of the applicant or recipient each month, or to agree so to contribute, or shall threaten any such person with any legal action against him by or on behalf of the county, or with any penalty whatsoever, unless he agrees so to contribute.

Article 4. Computation and Payment of Aid

12150. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant, equals one hundred five dollars ($105) per month plus any adjust-

ment reflecting cost-of-living changes subsequent to January 1, 1962.

The amount of the grant as set forth in this section and Section 12151 shall be adjusted annually by the department to reflect any increases or decreases in the cost of living occurring after January 1, 1962. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases or decreases by a percentage which when multiplied by one hundred dollars ($100) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to or subtracted from the monetary amount specified in the preceding paragraph and to the corresponding figure specified in Section 12151. The resultant sum shall be declared by formal action of the department to be the monthly grants payable under this section and Section 12151, respectively. In giving effect to the cost-of-living feature of this section, the department shall select a base month for computation of the percentage change in the cost of living after January 1, 1962. The same month shall be used annually thereafter. The ordered change in the maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the department directing the change.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section, an additional amount of aid shall be paid as provided by Section 12151.

12151. Any recipient whose need exceeds the amount of the maximum grant payable under Section 12150 shall be entitled to receive an additional amount as necessary to meet his need, but in no event shall the sum of his grant and income exceed one hundred seventy dollars ($170) per month plus any adjustment reflecting cost-of-living changes subsequent to January 1, 1962.

The additional grant provided by this section is to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients and not included or adequately covered by the allowance provided by Section 12150.

12152. If the physical or mental condition of a recipient of aid under this chapter is such that he requires the services of a full-time or part-time attendant or other special services, he shall be entitled to an additional grant in an amount sufficient to enable him to pay for those services, but not to exceed three hundred dollars ($300) in any month. The grant payable to a recipient under this section shall not be considered in computing the grant payable to the recipient under Sections 12150 and 12151 of this code, and shall not be subject to the monetary limitations set forth in those sections.

12153. Within 10 days after making a request, and within 10 days after any change in his grant, every applicant or recipient shall be given an itemized report setting forth the amount of deductions if any, and aid granted to him, and the budget allowances made in determining the amount of aid granted to him; except for a supplemental grant, a simple explanation of the additional payment shall suffice. The department may waive this requirement for statutory changes in grant. The pricing established for food, clothing, incidentals, and personal needs, household operations and transportation, shall be compatible with decency and health.

Budgetary allowances for goods and services shall not be reduced solely on the basis that the goods and services are being purchased from a responsible relative of the recipient, but such allowances shall not exceed the prevailing community rate for such goods and services.

12154. The actual need of any recipient eligible for aid under this chapter shall include the monthly cost of a telephone when a telephone is not readily available for the use of the recipient on the premises in which he resides. However, such need shall not be included as a basic need which is provided by the maximum grant payable under this chapter.

12155. The department shall allow as a special need debts incurred for the medical care of any recipient of aid under this chapter and other essential members of the recipient's immediate family who reside in his household, if the recipient is legally liable for payment of the incurred debt.

The provisions of this section shall not apply to debts incurred for items of medical care which could have been obtained by a recipient, without cost, under the provisions of Chapter 7 of this part.

12156. The department shall in setting the maximum allowance for shelter for recipients of aid under this chapter take into account, among other things, the cost of shelter in low-rent housing developments for the elderly financed in whole or in part with federal or state funds or by means of a loan insured in whole or in part by the federal or state government.

It is the policy of state government to encourage the development and retention of safe and healthful low-rent housing for the elderly which is especially designed to meet the housing needs of the aged. Insofar as practical, the shelter standards set by the department shall be consistent with this general objective.

12157. Free board, lodging and other items of need furnished free to a recipient of aid under this chapter shall constitute income to the recipient in computing the grant of assistance provided for in this chapter. However, such free items shall not be evaluated at an amount higher than specified for such items in the assistance standard established by the department. If a recipient pays less for an item of need than the amount specified in the basic budget formulated by the department, the difference shall not be considered deductible in-

come unless it is established that the difference is in fact a regular contribution toward the support of the recipient. For the purpose of this section, casual income or the value of inconsequential assistance furnished without charge to the recipient by another shall not be deducted from his grant. This section shall not apply to medical services provided pursuant to Chapter 7 of this part.

12158. If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county. All payments of aid under this chapter shall be made monthly in advance by the treasurer of the county and shall be paid as of the first day of each month.

The warrant shall be placed in the mail in time for delivery on the first postal delivery day of each month.

Such payment shall be paid by warrant and shall be delivered to the recipient at his residence if he so requests. If the recipient is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, upon recommendation of the board of supervisors and with the approval of the department, the aid authorized in this chapter may be paid to any responsible person acceptable to the recipient for the benefit of the recipient, but it shall be unlawful for the board of supervisors to order any part of the aid granted under this chapter to be paid in the form of merchandise orders for food, rent or otherwise.

If a recipient of aid dies before any warrant or warrants to which he is found to be entitled can be issued to him as payee, such warrant or warrants may designate the legal representative of the decedent's estate as payee, or, if there be no authorized legal representative, the heir of the decedent who can demonstrate his legal right thereto may be designated as payee.

12159. Subject to the provisions of Section 12150 and Section 12151 the amount of grant payable under this chapter shall be determined in accordance with a standard of assistance established by the department. The standard of assistance shall serve to establish the need of aged persons and the amount of assistance each such aged person is entitled to receive. Money amounts shall be established for each consumption item or group of items included within the scope of the allowance prescribed in Section 12150 and the additional allowance provided for in Section 12151.

The department shall analyze the standard of assistance at least annually and at the time of any increase in grant and shall adopt necessary amendments to the standard of assistance.

12160. The department shall adopt no rule requiring recipients to obtain estimates from vendors in establishing the cost of medicines, appliances, or devices needed by the recipient to enable him to meet his physical or health needs, where compliance with such rule would be impossible for any recipient or would cause undue hardship to recipients. No recipient shall be compelled to purchase used materials for his

personal or household needs. No estimate shall be required in cases where the department has established a ceiling price on the item needed by the recipient and the cost of the item does not exceed the ceiling price.

12161. The department shall adopt no rule, regulation, or order which would limit the period of time required by an applicant or recipient to pay for physician services, medical needs and hospitalization not covered by the medical care program established under Chapter 7 of this part.

Article 5. Termination and Recovery of Aid

12200. The county may for cause, and upon instructions so to do by the department, shall cancel, suspend, or revoke aid. Upon request of the department, an immediate report of every suspension shall be made to the department stating the reason for the suspension and showing the action of the board of supervisors in approving the suspension.

Eligibility for medical assistance for the aged does not constitute cause for retroactive cancellation, suspension, or revocation of aid.

12201. If the board of supervisors, in accordance with Section 12200, cancels, suspends, or revokes aid, the recipient shall be immediately notified in writing of the county's action, the date thereof, and of the reason therefor and the recipient's right to appeal therefrom.

12202. If, at any time, the department has reason to believe that aid has been obtained improperly, it shall cause special inquiry to be made and may suspend payment of any installment pending the inquiry. It shall notify the board of supervisors of such suspension. If it appears upon inquiry that the aid was obtained improperly, it shall be canceled by the department, but if it appears that aid was obtained properly, the suspended payments shall be payable.

12203. If, at any time during the continuance of aid, the recipient thereof or the husband or wife of the recipient becomes possessed of any property or income in excess of the amount prescribed by law for a recipient of aid to the aged, the recipient shall immediately notify the board of supervisors of the receipt and possession of such property or income. The board may, on inquiry and with the approval of the department, either cancel the aid or vary the amount thereof in accordance with circumstances. Any excess aid theretofore paid shall be returned to the United States government, the state, and the county participating in the granting of such aid, in accordance with the provisions of Section 12011, and shall be recoverable as a debt due proportionately to the state and such county.

12204. Whenever moneys collected from recipients in repayment of aid granted under this chapter have been collected erroneously, because of mistake of law or fact, refunds shall be made as provided in this section.

Upon investigation and a finding by the county that the repayment of aid was made and collected erroneously, the county shall refund to the recipient the amount of the county and state shares of the repayment, and the state shall allow to the county in computing the amounts payable to the county pursuant to Section 15152 a credit for any amount of such refund which has previously been credited to the state. If the United States government pays or credits to the state the amount of the repayment which has been credited to the United States government, the state shall allow a credit to the county in the amount of the credit received by the state from the United States government, and the county shall refund to the recipient the amount so credited to the county.

12205. If, on the death of a recipient of aid under this chapter, it is found that he was possessed of property or income in excess of the amount prescribed by law for a recipient of aid to the aged, and that he has not disclosed the same to the board of supervisors, it shall be presumed that he was possessed of such property or income since the date of his first application for aid, and double the amount of the aid paid him in excess of that to which he was legally entitled may be recovered by the Department of Social Welfare as a preferred claim from his estate and upon recovery shall be repaid to the county, to the state, and to the United States government in accordance with the provisions of Section 12011.

Collections based solely on this presumption shall not exceed the market value of the excess property.

12206. Notwithstanding the provisions of Sections 12203 and 12205, a recipient who has received aid in good faith, honestly believing himself to be entitled thereto, but who is found to have possessed property in excess of the amount prescribed by law for a recipient of aid to the aged, or the personal representative of such a deceased recipient, may by way of an affirmative defense, show when, and the circumstances under which, the recipient acquired such property in excess of the amount allowed under the provisions of this chapter. If it is established that the recipient received such aid in good faith, honestly believing himself entitled thereto, he shall be considered to have been ineligible for aid only during the period for which the excess property, if it had been applied to his support at the rate of the aid granted to him, would have supported him. In such case the recipient or his estate shall repay only the aid he received during such period of ineligibility.

12207. No person administering aid under this chapter shall demand that a recipient sign any check, or other document transferring his property to the county, as reimbursement for overpayments of aid made to the recipient, unless the recipient is notified in writing of the causes of the overpayment and of his right of appeal, and that he may have a representative of his own selection at the time the demand for reimbursement is discussed with him, and at the time

he signs or delivers any instrument or paper by way of reimbursement.

Article 6. Penalties

12250. Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, or the payment of any forfeited installment grant, is guilty of a misdemeanor.

It is the intent of the Legislature that restitution shall be sought by request, civil action, or other suitable means prior to the bringing of a criminal action.

12251. Any person who knowingly violates any provision of this chapter for which no penalty is specifically provided is guilty of a misdemeanor.

12252. Any person who accepts compensation or other remuneration, or a gift, for making application for aid under this chapter on behalf of an aged person, for assisting an aged person to apply for such aid, or for assisting an aged person to obtain a greater amount of aid than he has been granted, is guilty of a misdemeanor.

This section does not prohibit an active member of the State Bar from accepting a fee for representing an aged person in a hearing before the board of supervisors, in an appeal to the department, or in any court action.

CHAPTER 4. AID TO THE BLIND

Article 1. General Provisions

12500. The purpose of this chapter is to relieve blind persons from the distress of poverty, to promote self-care, to enlarge the economic opportunities of the blind, and to stimulate the blind to greater efforts in striving to render themselves self-supporting. Aid granted under this chapter shall be known as aid to the blind.

12501. This chapter and Chapter 5 of this part shall be construed separate and apart from any provisions of law for the aid and relief of indigents. It is recognized that the needs of blind persons may be different from the needs of aged persons.

12502. As used in this chapter, "blind person" means any person who by reason of loss or impairment of eyesight is unable to provide himself with the necessities of life and who has not sufficient income of his own to maintain himself as further set forth in Section 12650 and Section 12651 of this code.

12503. The department shall adopt no rule, regulation, or order under this chapter or Chapter 5 of this part which would limit to less than 24 months the period of time required by an applicant or recipient to pay for physician services, medical needs and hospitalization.

12504. Whenever any aid under this chapter is refunded to a county, the state shall be entitled to a share of the amount received, proportionate to the amount of state funds paid, and, if the payment of aid was participated in by the federal government, the federal government shall be entitled to a share of the amount received, proportionate to the amount of federal funds paid. The amount to be paid to the federal government shall be specified by the department.

12505. The department shall keep a complete list of all applications for aid to the blind, and shall prepare application blanks for use of applicants for aid, which shall be printed by the State Printer and supplied to each county.

12506. In any county which has a caseload of two hundred fifty (250) or more recipients of aid to the blind, the board of supervisors shall create a special bureau to be devoted exclusively to the administration of this chapter and Chapter 5 of this part. When possible, the board of supervisors, subject to applicable civil service and merit system laws, ordinances and rules, may select to administer this chapter and the provisions of Chapter 5 of this part, blind persons who are eligible for appointment under such laws, ordinances and rules to social work positions in the special bureau for the blind. Subject to the applicable laws, ordinances, and rules governing county civil service and merit systems, and when practicable, appointments to these positions may be made in such a manner that approximately 50 percent of the social workers employed in the special bureau shall be blind.

12507. Every person administering aid under this chapter or Chapter 5 of this part shall endeavor at all times to perform his duties in such manner as to assist applicants for and recipients of aid to the blind to decrease or eliminate their dependency by means of more adequate physical, social, and economic adjustments. The number of recipients of aid to the blind for whom any one social worker has responsibility shall be sufficiently small to make possible an effective administration of the provisions of this chapter or Chapter 5 of this part, including the reduction or elimination of dependency whenever possible.

12508. No applicant for or recipient of aid under this chapter or Chapter 5 of this part shall be required to pay any part of the cost of an eye examination as required by the department in connection with his application for or continued receipt of aid under this chapter or Chapter 5 of this part. The costs of all such eye examinations shall be paid entirely by the county in the same manner as other expenses of the county are paid.

12509. The board of supervisors shall immediately notify the applicant in writing of its decision regarding the granting of aid, and that he may, upon application to the board within 30 days, appear before the board at a time to be fixed by the board and show cause why the action of the board is not satisfactory. The hearing shall be held within 30

days from the time of application for hearing. Upon good cause shown, the board may reconsider its previous action, and take whatever action the board deems proper upon the application. The decision of the board confirming or reconsidering its previous action shall be rendered within 15 days after the hearing.

The right of hearing by the board of supervisors provided by this section is intended as an alternative to direct appeal to the department, and an applicant who has applied for hearing before the board of supervisors shall not appeal to the department until the decision of the board of supervisors has been rendered. After the decision of the board of supervisors has been rendered, the applicant may appeal therefrom to the department. An applicant who does not apply for hearing before the board of supervisors may appeal directly to the department as provided in Section 10950.

The right of appeal to the board of supervisors, provided in this section, shall also be available to an applicant for aid under Chapter 5 of this part.

12510. The board of supervisors shall investigate, annually or oftener, the qualifications of blind persons receiving aid under this chapter and may increase or decrease the allowance within the limits prescribed in this chapter, or, if the board is satisfied that any person receiving such aid is not entitled thereto, it shall deny him further aid and shall forthwith notify the county auditor and the Chief of the Division for the Blind in the department of such action. The person receiving aid however, shall have the right of appeal to the department from such action.

12511. The department shall make such reports in such form and containing such information as the United States Department of Health, Education, and Welfare may from time to time require, and shall comply with such provisions as the United States Department of Health, Education, and Welfare may from time to time find necessary to assure the correctness and verification of such reports.

12512. The department may appoint an advisory committee of six ophthalmologists, which shall serve in a consulting capacity.

The members of the committee shall receive no compensation for their services but shall be allowed their actual traveling expenses incurred in the discharge of their duties.

The committee shall make recommendations and give advice to the department on rules and regulations governing all questions of eligibility as to blindness under this chapter.

12513. All papers and records pertaining to his case on file in the department or on file in the office of any county clerk or elsewhere shall be open to inspection at any time during business hours by the applicant or his attorney or agent.

12514. All rules and regulations pertaining to the provisions of this chapter and Chapter 5 of this part shall be pro-

mulgated and construed separate and apart from other rules and regulations made by the department.

Article 2. Eligibility for Aid

12550. No person is entitled to aid under the provisions of this chapter or Chapter 5 of this part, unless he is at least 16 years of age and is a resident of the state. No period of residence in this state is required.

12551. Any blind resident of California who is eligible for aid under this chapter and who regularly matriculates at the University of California or other institution of higher learning in this state and who is regularly working for an academic degree or certificate of completion shall be deemed eligible to receive aid under Chapter 5 of this part.

12552. No applicant shall receive aid under this chapter, who is a patient in a public institution for tuberculosis or mental disease, who is a patient in a public medical institution as the result of a diagnosis of tuberculosis or psychosis, who is an inmate of a public institution of a custodial (nonmedical), penal, or correctional character or who is a patient in a federal medical institution.

Any such ineligible patient or inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay while he is such an ineligible patient or inmate, and if he is otherwise qualified under this chapter, such application shall be approved. The applicant may remain a patient or inmate of such institution until he receives his first monthly payment whereupon he shall leave the institution.

12553. For the purposes of this chapter and Chapter 5 of this part, neither the residence nor domicile of the husband or wife shall be deemed the residence or domicile of the other, but each may have a separate residence or domicile dependent upon proof of the fact and not on legal presumptions.

For the purposes of this chapter and Chapter 5 of this part, a minor child shall be deemed to have resided in the state during any period in which such child has been physically present in the state.

12554. An applicant or recipient who is a patient in a public medical institution and who is otherwise eligible under this chapter is entitled to receive aid.

Notwithstanding any other provision of this chapter, payment may be made in behalf of the recipient directly to the public medical institution, except for the allowance for personal and incidental needs as provided in the standard of assistance established by the department. Wherever it is necessary, the county shall assist the recipient to make full use of his personal and incidental needs allowance to obtain items which will add to his comfort and contentment while under care in the public medical institution.

If a person enters the public medical institution as a recipient, payment directly to such institution shall not be made for a period prior to the first calendar month following the expiration of 60 days.

Payment to the institution under this section shall not be made in advance of furnishing the care. If a recipient leaves the institution during the month and remains on aid, the full monthly grant shall be paid to the recipient.

12555. Aid shall be granted to any person who is an inmate of a home or institution maintained by any fraternal, benevolent, or other nonprofit organization if the organization has not been paid for the life care and maintenance of the person through assessment of or dues of the inmate or otherwise, whether or not the person has agreed or promised to pay for his maintenance in the event that he receives any pension, bequest, devise, or other inheritance.

12556. No aid shall be given under the provisions of this chapter or Chapter 5 of this part to any individual who receives aid under the Old Age Security Law or aid to the disabled.

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

12558. No person who publicly solicits alms in any part of the state shall be eligible to receive aid under the provisions of this chapter or Chapter 5 of this part. "Publicly solicits" shall be construed to mean either wearing, carrying, or exhibiting signs denoting blindness for the securing of alms, or carrying receptacles, for the purpose of securing alms, or doing the same by proxy; or stationary or house-to-house begging; or any other means of publicly seeking alms.

12559. The board of supervisors shall not grant any certificate of qualification for aid under the provisions of this chapter or Chapter 5 of this part until it has been satisfied that the applicant is entitled to such aid by the evidence of one reputable citizen of the state that he knows that the applicant has the required residential qualifications to entitle him to the aid asked for, or, in case such citizen is not available, then by such other evidence as is acceptable to the department, and by the evidence of a duly licensed and practicing physician skilled in the diseases of the eye or of a duly licensed and practicing physician skilled in neurology or psychiatry or of a duly licensed and practicing optometrist that the applicant is blind. The physi-

cian skilled in the diseases of the eye shall describe the condition of the applicant's eyes and testify to the degree of his blindness. Whenever a physician skilled in the diseases of the eye is unable to find sufficient pathology to account for the degree of visual impairment claimed by the applicant, and whenever such physician skilled in the diseases of the eye shall recommend a further examination by a physician skilled in neurology or psychiatry, the applicant shall have the right to be examined by a physician skilled in neurology or psychiatry, who shall determine whether the degree of visual impairment claimed by the applicant is substantiated by the results of a neurological or psychiatric examination. The duly licensed and practicing optometrist shall testify to the degree of the applicant's blindness. The cost of such examination shall be paid entirely by the county in the same manner as other expenses of the county are paid. The evidence of each person shall be in writing, signed by him, and he shall be subject to cross-examination by the board of supervisors or any other person appointed by the board of supervisors to conduct such investigation.

The department may appoint an advisory committee of six optometrists, which shall serve in a consulting capacity, and which shall make recommendations and give advice to the department on rules and regulations governing all questions relating to the services of optometrists under this chapter and under Chapter 5 of this part. Each member of the committee shall be appointed for a term of two years. The members of the committee shall receive no compensation for their services but shall be allowed their actual traveling expenses incurred in the discharge of their duties.

The department shall make rules and regulations to prescribe the qualifications, number, and geographical distribution of such physicians and optometrists as are necessary to carry out the eye examinations provided under this chapter and Chapter 5 of this part.

12560. The county shall review annually the case of every person receiving aid under this chapter to determine whether he will be eligible for aid under Chapter 5 of this part during the ensuing year period. The review shall include consideration in detail of the work capacity of the recipient and employment opportunities in the county. The determination by the county as to the chapter under which it is to grant aid shall be subject to review by the department upon appeal by the applicant or upon request of the department.

The department shall establish and maintain procedures to insure that determinations by counties are based on accurate appraisals of the work capacity of the recipient and employment opportunities in the county.

12561. Funds for readers, or an educational scholarship, or both, which are not available to meet basic needs and which have been awarded by a high school, college, or university to any recipient of aid under this chapter while he is regularly attending any public school in this state, the University

of California, or any other institution of higher learning in this state, shall not be deemed property, income, or resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid.

12562. Notwithstanding any other provisions of this chapter or of Chapter 5 of this part, any recipient who has a plan for achieving self-support may retain, beginning July 1, 1963, such additional amounts of other income and resources as may be necessary for the fulfillment of such plan for a period not to exceed 12 months or such other period as may be authorized by federal law or regulations.

Article 3. Relatives' Responsibility

12600. No relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient of aid under this chapter or Chapter 5 of this part. No relative shall be held liable to defray in whole or in part the cost of any medical care or hospital care or other service rendered to the recipient pursuant to any provision of this code if he is an applicant for or a recipient of aid under this chapter or Chapter 5 of this part at the time such medical care or hospital care or other service is rendered.

Notwithstanding the provisions of Section 206 of the Civil Code, or Section 270c of the Penal Code, or any other provision of this code, no demand shall be made upon any relative to support or contribute toward the support of any applicant for or recipient of aid under this chapter or Chapter 5 of this part. No county or officer or employee thereof shall threaten any such relative with any legal action against him by or in behalf of the county or with any penalty whatsoever.

Article 4. Computation and Payment of Aid

12650. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all other sources, equals one hundred twenty dollars ($120) per month, plus any adjustment reflecting cost-of-living changes subsequent to January 1, 1960.

The amount of the grant as set forth in this section and Section 12651 shall be adjusted annually by the department to reflect any increases or decreases in the cost of living occurring after January 1, 1960. The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. Whenever the cost of living increases or decreases by a percentage which when multiplied by one hundred fifteen dollars ($115) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to or subtracted from the monetary amount specified in the preceding paragraph and to the corresponding figure specified in

Section 12651. The resultant sum shall be declared by formal action of the department to be the monthly grants payable under this section and Section 12651, respectively. In giving effect to the cost-of-living feature of this section the department shall select a base month for computation of the percentage change in the cost of living since January 1, 1960. The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the department directing the change.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section, an additional amount of aid shall be paid as provided by Section 12651 of this code.

The department may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed for not more than two months beyond the month in which the recipient reported the change in circumstances.

12651. Any recipient whose need exceeds the amount of the maximum grant payable under Section 12650 of this code shall be entitled to receive an additional amount as necessary to meet his need, but in no event shall the sum of his grant and income exceed one hundred seventy dollars ($170) per month, plus any adjustment reflecting cost-of-living changes subsequent to January 1, 1960.

The additional amount granted by this section is intended to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients, which are not included or not adequately covered by the allowance provided by Section 12650.

12652. If the physical condition of a recipient of aid under this chapter or Chapter 5 of this part is such that he requires the services of a full-time or part-time attendant or other special services, he shall be entitled to an additional grant in an amount sufficient to enable him to pay for those services, but not to exceed three hundred dollars ($300) in any month. The grant payable to a recipient under this section shall not be considered in computing the grant payable to the recipient under Sections 12650, 12651, 13100 and, 13101 of this code, and shall not be subject to the monetary limitations set forth in those sections.

12653. Any recipient of aid under this chapter or Chapter 5 of this part who is ineligible, by reason of age, for medical assistance for the aged shall be entitled to the same inpatient benefits as are provided for persons receiving medical assistance for the aged, which shall be provided to the recipient under the provisions of Chapter 7 of this part.

12654. For the purposes of Section 12650 and Section 12651, earnings or other income of an applicant shall not be considered, and shall not be deducted from the amount of aid to which the applicant would otherwise be entitled. The prop-

erty of the applicant shall not be considered in determining his eligibility for aid.

This section shall become operative if and when amendments to the federal statutes or rules and regulations of the United States Department of Health, Education, and Welfare take effect permitting this state to give effect to this section without thereby rendering this state ineligible to receive federal grants-in-aid for assistance or aid to the blind of this state, and to the extent to which those statutes or rules and regulations permit it to be given effect.

12655. Free board and lodging supplied to an applicant because of his necessity therefor, prior to receipt of aid under this chapter or Chapter 5 of this part, shall not be grounds for refusing aid; notwithstanding any other provisions of this chapter, free board and lodging and other items of need furnished free under this chapter shall constitute income to the recipient in computing the grant pursuant to Sections 12650, 12651, 13100, and 13101, respectively. However, such free items shall not be evaluated at an amount higher than specified for such items in the assistance standard established by the department. This section shall not apply to medical services provided pursuant to Chapter 7 of this part.

12656. Notwithstanding any other provision of this chapter or Chapter 5 of this part, whenever a former recipient of aid under this chapter or Chapter 5 of this part, whose aid has been canceled or discontinued for any cause, requests restoration of aid before the expiration of one year from the date of such cancellation or discontinuance, and if it is determined that he is eligible therefor, aid shall be granted to him beginning not later than the first day of the month immediately following the date of such request for restoration, and no new application shall be required.

12657. Lump sum income received by a recipient, which has accrued over a period of two or more months and may be expected to be repeated in the future, shall be utilized by the recipient to meet his needs. No portion thereof shall be considered as personal property. Provisions of this section shall not apply to earned income which is exempt under Section 11008.

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 contained in Sections 3088 and 3474.

12659. The occupancy value of a home owned and occupied by a recipient of aid under this chapter or Chapter 5 of this part 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.

12660. Payment of aid under this chapter or Chapter 5 of this part shall be made promptly and shall be commenced as of the first day of the month in which the application is granted, unless otherwise directed by the department in cases

in which an appeal is taken; aid shall not commence prior to the date of application, unless otherwise directed by the department in cases in which an appeal has been taken on the ground that the county has refused to accept a signed application for aid.

All payments of aid under this chapter or Chapter 5 of this part shall be made monthly in advance and shall be paid as of the first day of each month. The warrant shall be placed in the mail in time for delivery on the first postal delivery day of each month.

Article 5. Termination and Recovery of Aid

12700. The board of supervisors may, for cause, and upon instructions so to do by the department, shall cancel, suspend, or revoke aid. Upon request of the department, an immediate report of every suspension shall be made to the department stating the reason for the suspension and showing the action of the board of supervisors in approving the suspension.

12701. The department may, on behalf of the state, at any time inquire into the management by any county of aid to blind persons under the provisions of this chapter and Chapter 5 of this part. The Division for the Blind shall have its own staff to supervise the administration of aid to the blind and aid to the potentially self-supporting blind, and all employees of the division shall be responsible to the Chief of the Division for the Blind irrespective of their headquarters.

If at any time the department has reason to believe that aid to the blind or aid to the potentially self-supporting blind has been obtained improperly, it shall cause special inquiry to be made and may suspend payment for any installment pending the inquiry. It shall notify the board of supervisors of such suspension. If it appears, upon the inquiry, that the aid has been obtained improperly, it shall be canceled by the department, and if it appears that aid was obtained properly, the suspended payment shall be payable

Any person dissatisfied with the action of the department in suspending or canceling aid may appeal to the department and upon such appeal shall be granted an opportunity for a fair hearing.

Any county which refuses, upon due demand, to permit such inquiry or to comply with any provision of this chapter or Chapter 5 of this part, shall not thereafter receive any aid or reimbursement from the state under the provisions of this chapter or Chapter 5 of this part until it has complied with all the requirements of this chapter or Chapter 5 of this part.

12702. Whenever moneys collected from recipients in repayment of aid granted under this chapter or under Chapter 5 of this part have been collected erroneously, because of mistake of law or fact, refunds shall be made as provided in this section.

Upon investigation and a finding by the county that the repayment of aid was made and collected erroneously, the county shall refund to the recipient the amount of the county and state shares of the repayment, and the state shall allow to the county in computing the amounts payable to the county a credit for any amount of such refund which has previously been credited to the state. If the United States government pays or credits to the state the amount of the repayment which has been credited to the United States government, the state shall allow a credit to the county in the amount of the credit received by the state from the United States government, and the county shall refund to the recipient the amount so credited to the county.

Article 6. Treatment of Blindness

12750. The department may provide for treatment or operations to prevent blindness, or restore vision to applicants for or recipients of aid to the blind under this chapter or Chapter 5 of this part, who voluntarily request and make written application for such treatment or operation.

This service shall be extended only to those persons whose age and physical and mental condition will make such physical rehabilitation profitable to the individual, shown by the findings of the physician in the report of the eye examination to be eligible for such treatment, and recommended for such treatment after a full investigation of each case by the advisory committee of ophthalmologists or by an ophthalmologist who has been designated by the advisory committee.

The treatment or operation recommended shall be given at any hospital or clinic designated by the advisory committee, and necessary traveling expenses shall be allowed as part of the expense of the treatment. The department shall reimburse the county or the eye patient for all necessary expenses incurred in connection with the diagnosis and treatment. Necessary expenses shall include the costs of guide service, maintenance while the patient is away from his home, transportation to the eye physician or hospital and return to his home, and the cost of nursing home care when such care is necessary.

Article 7. Loans to Blind Persons

12800. There is in the State Treasury a permanent revolving fund, in the amount of thirty-five thousand dollars ($35,000), to be known as the Revolving Loan Fund, and to be administered by the department. The fund shall be used to make loans to recipients of aid under this chapter or Chapter 5 of this part, at a rate of interest not to exceed 3 percent per year, to enable those recipients to establish themselves in businesses, professions, or other gainful employment, including, but not limited to self-employment. No loan in excess of five

thousand dollars ($5,000) shall be made to any individual under this section.

The department shall establish the terms and conditions of loans made pursuant to this section, and shall prescribe the procedure to be followed in making application for such loans. All funds received in repayment of loans made pursuant to this section shall be deposited in the Revolving Loan Fund, and shall be available for the making of additional loans as provided in this section.

In no event shall the amount expended in any fiscal year from the Revolving Loan Fund exceed the amount saved by the state as a result of discontinuance of aid due to the earnings of persons during the preceding fiscal year.

Article 8. Penalties

12850. Any person who, in order to secure for himself or another the aid provided in this chapter or Chapter 5 of this part, makes a false statement under oath, shall be deemed guilty of perjury. Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device obtained aid under this chapter or Chapter 5 of this part, he shall make restitution and all actions necessary to secure restitution may be brought against him.

It is the intent of the Legislature that restitution shall be sought by request, civil action, or other suitable means prior to the bringing of a criminal action.

CHAPTER 5. AID TO THE POTENTIALLY SELF-SUPPORTING BLIND

Article 1. General Provisions

13000. The purpose of this chapter is to provide a plan for this state whereby the blind residents of this state may be encouraged to take advantage of and to enlarge their economic opportunities, to the end that they may render themselves independent of public assistance and become entirely self-supporting.

To achieve this objective, resources and income beyond the necessities of bare decency and subsistence are required. This chapter, by allowing the retention of necessary income and resources by those of the blind showing a reasonable probability of being able and willing to undertake the acquisition of resources and income necessary for self-support, will encourage them in their efforts to become self-supporting.

Aid granted under this chapter shall be known as aid to the potentially self-supporting blind.

13001. As used in this chapter, "blind persons" means any person who by reason of loss or impairment of sight is unable to provide himself fully with the necessities of life and who has not income and resources through his own means, as de-

fined under this chapter, sufficient to provide a reasonable and decent standard of living.

13002. Whenever any aid under this chapter is refunded to a county, the state shall be entitled to a share of the amount received, proportionate to the amount of state funds paid.

13003. Unless otherwise expressly provided in this chapter, all provisions of this code applicable to the powers and duties of the department and the counties with respect to the blind shall apply to the powers and duties of the department and the counties with respect to aid under this chapter.

Article 2. Eligibility for Aid

13050. No applicant shall receive aid under the provisions of this chapter while he is an inmate of any institution supported in whole or in part by the state or any of its political subdivisions, but recipients of aid under the provisions of this chapter who are patients in a public hospital for a period not exceeding two calender months, and blind persons employed in a shop maintained by the state when such shop does not provide board and room to the employee, shall not be considered inmates of public institutions No applicant shall be denied the aid provided for in this chapter, however, because he is attending or intends to attend any public high school in this state, the University of California, or any other institution of higher learning in this state.

Any such inmate, however, may make an application for aid under this chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of application.

The applicant may remain an inmate until he receives his first monthly payment, whereupon he shall cease to be such inmate.

If on the first day of the month a recipient of aid is eligible for aid though an inmate of an institution or hospital, he is entitled to receive aid for the month.

If a recipient of aid becomes ineligible for aid due to confinement in an institution or hospital, the order of the board of supervisors suspending his aid may provide that the aid shall be restored when the recipient ceases to be an inmate, without further order from the board of supervisors.

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 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 necessary to implement his plan for achieving self-support; and provided, that the county-assessed valuation of such additional personal property does not exceed five thousand dollars ($5,000).

13052. For the purposes of this chapter and Article 4 (commencing with Section 11150) of Chapter 1 of this part, as the latter applies to recipients of aid under this chapter, the term personal property does not include interment plots as defined in Section 7022 of the Health and Safety Code, nor money placed in trust or insurance for funeral or interment expenses or similar purposes, nor any contract rights connected therewith if such money, insurance, or contract rights do not exceed five hundred dollars ($500) in value.

13053. The term "personal property" shall not include a policy or policies of life insurance on the life of the applicant or recipient, which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars ($1,000).

13054. No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient.

13055. Funds for readers, or an educational scholarship, or both, which have been awarded to any recipient of aid under this chapter shall not be deemed property, income, or a resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid.

13056. An applicant for aid under this chapter shall prove that he is able to secure and willing to use resources and income he is permitted to retain under this chapter for the purposes of achieving self-support.

The county shall determine whether the applicant has the qualifications necessary for aid under this chapter and may, despite his application, deny him aid under this chapter, and, if eligible thereunder, grant him aid to the blind under Chapter 4 of this part.

Article 3. Computation and Payment of Aid

13100. Any applicant shall be entitled to an amount of aid which, when added to the income of the applicant from all

other sources, equals one hundred twenty dollars ($120) per month.

The amount of the grant as set forth in this section and Section 13101 shall be adjusted annually by the department to reflect any increases or decreases in the cost of living occurring after January 1, 1960. The average of the separate indices of cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living. Whenever the cost-of-living increases or decreases by a percentage which when multiplied by one hundred fifteen dollars ($115) results in a product of one dollar ($1) or more, this product adjusted to the nearer dollar amount shall be added to or subtracted from the monetary amount specified in the preceding paragraph and to the corresponding figure specified in Section 13101. The resultant sum shall be declared by formal action of the department to be the monthly grants payable under this section and Section 13101, respectively. In giving effect to the cost-of-living feature of this section, the department shall select a base month for computation of the percentage change in the cost of living since January 1, 1960. The same month shall be used annually thereafter. The ordered change in maximum grant shall become effective on the first day of the month following the expiration of a ninety (90) day period following the date of the formal action of the department directing the change.

In any case where it is found that the need of an applicant exceeds the maximum provided by this section, an additional amount of aid shall be paid as provided by Section 13101 of this code.

Annual net income from any of the following sources of a combined total value not exceeding one thousand five hundred dollars ($1,500), increased by one-half of that part of the recipient's annual income which is in excess of one thousand five hundred dollars ($1,500), shall not be considered for any purpose:

(a) Income from applicant's labor or services;

(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;

(c) The value of firewood or water, or both, produced on the premises of the applicant or given to him by another for the applicant's use;

(d) The value of gifts;

(e) The value of the use and occupancy of premises owned and occupied by the applicant;

(f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income. For the purpose of enabling and encouraging a greater number of recipients of aid under this chapter to become self-supporting, all expenditures incurred

by an applicant for or a recipient of aid under this chapter in effecting his plan to become self-supporting, including payments made for the purchase of material for fixtures and equipment needed by him in effecting such plan, shall be deducted from gross income in computing his net income for purposes of this chapter; provided, such payments shall not be more than one hundred dollars ($100) per month.

13101. Any recipient whose need exceeds the amount of the maximum grant payable under Section 13000 of this code shall be entitled to receive an additional amount as necessary to meet his need, but in no event shall the sum of his grant and income exceed one hundred seventy dollars ($170) per month, plus any adjustment reflecting cost-of-living changes subsequent to January 1, 1960.

The additional amount granted by this section is intended to provide additional aid to persons with needs arising because of circumstances and situations not common to all recipients, which are not included or not adequately covered by the allowance provided by Section 13100.

13102. If, when, and during such times as the amount of the grant of aid to the blind provided by Chapter 4 of this part is increased or decreased, pursuant to Section 11012, the maximum grant provided by this chapter shall be increased or decreased by an amount equal to such increase or decrease in the grant of aid to blind persons under Chapter 4 of this part, but in no event shall the maximum grant under this chapter be decreased by operation of this section below one hundred twenty-two dollars ($122) per month.

It is the intent of the Legislature that should the federal government require that any increase in assistance to the blind in this state granted by it after November 1, 1956, be considered necessary to meet medical or health needs of the applicant or recipient, an increase in aid to the potentially self-supporting blind resulting therefrom shall be considered necessary to meet the medical or health needs of applicants or recipients.

CHAPTER 6. AID TO THE NEEDY DISABLED

Article 1. General Provisions

13500. It is the object and purpose of this chapter to provide persons whose dependency results from disability defined by Section 13501 with assistance and services which will encourage them to make greater efforts to achieve self-care and self-support and to enlarge their opportunities for independence.

In supervising the administration of this chapter, the department shall encourage the rehabilitation or employment of the recipient if it appears that with proper care and training such person may become more self-sufficient.

The department and the Department of Rehabilitation shall jointly develop plans for the orderly processing of cases re-

ferred to the Department of Rehabilitation for a determination of feasibility and planning for vocational rehabilitation.

The department and the State Department of Employment shall jointly develop plans for the orderly processing of cases referred to the Department of Employment.

The policy shall be followed of granting aid to the recipient in his own home or in some other suitable home of his own choosing, in preference to placing him in an institution.

Aid grant under the provisions of this chapter shall be known as aid to the disabled.

13501. When used in this chapter, the following words shall have the meanings ascribed to them in this section:

(a) "Needy disabled person" means a person who meets the eligibility requirements set forth in this chapter and who is both permanently impaired and totally disabled.

(b) "Permanently impaired" means that the individual has a major physical or a major mental impairment, or a combination of both, which is verified by medical findings and appears reasonably certain to continue throughout the lifetime of the individual without substantial improvement.

(c) "Totally disabled" means that the impairment substantially precludes the individual from engaging in useful occupations within his competence, such as holding a job or homemaking. Employment in a sheltered workshop or under an approved vocational rehabilitation plan shall not be considered a "useful occupation" for purposes of this chapter.

13502. All aid granted under the provisions of this chapter is granted and held subject to the provisions of any law hereafter enacted amending, repealing, or supplementing in whole or in part the provisions of this chapter, and subject to the rules and regulations of the department. No recipient under this chapter shall have any claim for compensation or otherwise because his aid is affected in any way by any such amending, repealing, or supplemental act, or by any such rule or regulation or by any addition, amendment, or repeal of such rules and regulations.

13503. Nothing in this chapter shall be construed as repealing any law or part of a law providing for the support of the poor except insofar as inconsistent therewith, and the provisions of this chapter shall be construed as an additional method of supporting and providing for the needy disabled.

13504. The Governor of the State of California may enter into and execute on behalf of this state all necessary agreements in connection therewith, which may be required by the United States government. Any money refunded under the provisions of this chapter shall be paid to the county, to the state, and to the United States government. The federal government shall be entitled to a share of any amounts collected from recipients or from their estates proportionate to the amount of federal funds paid, which proportionate share may be specified by the department. The amount due the United

States shall be paid promptly by the state to the United States government and the remainder shall be paid to the county and the state in the proportion that each may have contributed to the aid granted.

13505. Aid shall be granted under this chapter only for and during such time as grants-in-aid are provided or made available to the state by the Social Security Act or other federal legislation for aid to the disabled on the basis of a state plan which has been approved by the federal government.

13506. No rule or regulation of the department shall be adopted or continued in force the operation of which results in discrimination against treatment by prayer or spiritual means in the practice of the religion of any bona fide church, sect, denomination, or organization.

13507. The department shall appoint an advisory committee consisting of not more than nine persons, which shall serve in a consulting capacity. The members of the committee shall receive no compensation for their services but shall be allowed their actual traveling expenses incurred in the discharge of their duties. The committee shall make recommendations and give advice to the department on the medical and rehabilitative aspects of aid to the disabled under this chapter.

13508. No applicant for or recipient of aid under this chapter shall be required to pay any part of the cost of any examination required under this chapter or the rules and regulations made thereunder for the granting or continuance of aid. The costs of all such examinations shall be paid by the county in the same manner as other expenses of the county are paid.

Article 2. Eligibility for Aid

13550. Aid shall be granted under this chapter to any needy disabled person who comes within all of the following descriptions:

(a) Who has attained the age of 18 years.

(b) Who resides in the state and has so resided for at least one year immediately preceding the date of application and for at least three years within the nine years immediately preceding the date of application, has become disabled while a resident of this state, or is eligible under the terms of a reciprocal agreement entered into by the department with another state.

(c) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for aid.

(d) Who is not at the time of receiving such aid a patient in an institution for tuberculosis or mental disease, a patient in a medical institution as the result of a diagnosis of tuberculosis or psychosis, an inmate of a public institution of a custodial (nonmedical), penal, or correctional character, or an inmate in a federal medical institution. Any such inmate or patient, however, may make an application for aid under this

chapter and have his application investigated and acted upon without delay, in the same manner as applications of other persons are acted upon, while he is such an inmate or patient, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The aid shall be granted to him from the first day of the month in which the determination is made that he is eligible, but in no event shall the aid commence prior to the date of the application. The applicant may remain an inmate or patient until he receives his first monthly payment, whereupon he shall cease to be such inmate or patient.

(e) Who is not receiving adequate support from a husband or wife, or parent, or child.

13551. An applicant or recipient who is a patient in a public medical institution, who is otherwise eligible under this chapter, is entitled to receive aid.

Notwithstanding any other provision of this chapter, payment may be made in behalf of the recipient directly to the public medical institution except for the allowance for personal and incidental needs as provided in the standard of assistance established by the department. Wherever it is necessary, the county shall assist the recipient to make full use of his personal and incidental needs allowance to obtain items which will add to his comfort and contentment while under care in the public medical institution

If a person enters the public medical institution as a recipient, payment directly to such institution shall not be made for a period prior to the first calendar month following the expiration of 60 days.

Payment to the institution under this section shall not be made in advance of furnishing the care. If a recipient leaves the institution during the month and remains on aid, the full monthly grant shall be paid to the recipient.

13552. No aid shall be granted under this chapter to any alien who has been convicted of an overt act against the government of the United States.

13553. No aid shall be granted under this chapter to any individual with respect to any period with respect to which he is receiving old age security, aid to the blind, aid to the potentially self-supporting blind, or aid to families with dependent children.

13554. Any person who qualifies for medical assistance for the aged, and who is confined as an inpatient in a hospital or nursing home, shall be presumed to be a needy disabled person within the meaning of Section 13501 of this code.

13555. The department shall make the final determination as to permanent impairment and total disability.

13556. The county shall upon application, and periodically as required, submit a complete report, with a recommendation as to eligibility, of the medical information and other essential facts relative to the determination of permanent impairment and total disability to the department for decision.

If the department finds the person to be disabled in accordance with the definitions set forth in Section 13501, the county shall, if the person is otherwise eligible, authorize aid as soon as administratively possible.

Article 3. Relatives' Responsibility

13600. No relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient of aid under this chapter. No relative shall be held liable to defray in whole or in part the cost of any medical care or hospital care or other service rendered to a recipient pursuant to any provision of this code if he is an applicant for or a recipient of aid under this chapter at the time such medical care or hospital care or other service is rendered.

Notwithstanding the provisions of Section 206 of the Civil Code or Section 270c of the Penal Code, or any other provision of this code, no demand shall be made upon any relative to support or contribute toward the support of any applicant for or recipient of aid under this chapter. No county or officer or employee thereof shall threaten any such relative with any legal action against him by or in behalf of the county or with any penalty whatsoever.

Article 4. Work and Vocational Training

13650. The provision of useful work experience and constructive training for disabled recipients is a matter of statewide concern. Insofar as practical, each county department shall establish a community work experience and vocational training program for disabled persons for whom such experience and training is deemed desirable as part of a self-help plan.

Such programs shall be conducted in accordance with standards and regulations established by the department as desirable and necessary to qualify for such federal funds as are available.

The cost of materials, equipment and supervision provided by agencies cooperating with the county department in community work experience and training programs shall not be charged as an administrative expense under this chapter or with respect to other public assistance programs.

Projects developed under this section shall be confined to projects which serve a useful public purpose, do not result either in displacement of regular workers or in the performance of work that would otherwise be performed by employees of public or private agencies, institutions, or organizations, and (except in cases of projects which involve emergencies or which are generally of a nonrecurring nature) are of a type which has not normally been undertaken in the past by the state or community, as the case may be.

Article 5. Computation and Payment of Aid

13700. For needy disabled persons qualifying for aid under the provisions of this chapter, there shall be paid an amount equivalent to the actual needs of the recipient as set forth in this section, but not to exceed an average grant computed statewide for all recipients of aid under this chapter of one hundred dollars ($100) per month. In the event the average grant per recipient exceeds an amount of one hundred dollars ($100), the department shall take immediate steps to reduce or curtail payments for attendant services or other special services arising from their disability to the end that the monthly average per recipient for the full fiscal year does not exceed one hundred dollars ($100).

The department shall establish a standard of assistance, within the limits set forth in this section, which will enable each recipient to maintain himself in decency and health. The department shall establish a standard to cover actual needs, common to all persons. Within the limit of the average grant set forth in this section, the department may provide for payment of an additional sum to those recipients whose physical or mental condition is such that they require the services of a full- or part-time attendant or other special services. In determining whether an applicant or recipient is entitled to receive payment for attendant or other special services, the scale set forth in Section 12101 of this code shall be used to determine his share of his spouse's community income that is available to meet his needs for such services. Allowance for attendant services shall not be made when rendered by a responsible relative with whom the recipient is living.

The department shall give priority to persons in the greatest need without replacing other public or private resources which can provide the services. Voluntary contributions or grants from other public sources, private agencies, friends or relatives which are specifically and solely provided for such attendant services and which would not otherwise be available shall not be considered as applying toward the actual needs of said recipient.

The department may provide by rule that any change in grant for an amount of two dollars ($2) or less may be delayed not more than two months beyond the month in which the recipients reported the change in circumstances.

13701. The amount of the average grant set forth in Section 13700 shall be adjusted annually by the department to reflect any increases or decreases in the cost of living occurring after January 1, 1964. The average of the separate indices of the cost of living for Los Angeles and San Francisco, as published by the United States Bureau of Labor Statistics, shall be used as the basis for determining the changes in the cost of living.

In giving effect to the cost-of-living provisions of this section, the department shall select a comparison month for computation of the percentage change in the cost of living after January 1, 1964. The same month shall be used annually thereafter. The determination of whether an adjustment is to be made, and the amount of such adjustment, shall be made by comparing the average index for the comparison month with the average index for January 1, 1964 The product of any percentage increase or decrease in the average index and one hundred dollars ($100) shall be adjusted by the dollar amount of any cost-of-living change currently in effect pursuant to the provisions of this section. If the resultant amount, when adjusted to the nearer dollar, is one dollar ($1) or more, it shall be added to or subtracted from the maximum average grant currently in effect under Section 13700. The resultant sum shall be declared by formal action of the director to be the maximum average grant payable under Section 13700.

The maximum average grant established by this action shall become effective on the first day of the month following the expiration of a 90-day period following the date of the formal action of the director.

13702. In order to assist a disabled recipient unable to manage his cash grant, aid under this chapter may be paid in kind, wholly or in part, or to a guardian, conservator or other responsible person designated in accordance with regulations of the department to act in his behalf. Such method of payment may only be used when it is determined by the county director that the recipient is mismanaging or is unable to properly manage aid payments in cash. The department shall make regulations for the payment of aid under this section and for the selection of designated representatives so that aid in kind will be used only in cases wherein it is shown to be necessary.

Aid under this section shall be paid in accordance with the standards prescribed by Section 13700 of this code. The cost of aid shall be borne by the state and county in the same proportion and up to the same maximums as those specified for state-county participation in aid as set forth in Sections 13700 and 15204 of the code Aid granted under provisions of this section shall be paid without federal participation whenever federal funds are not provided by the laws of the United States or rules and regulations promulgated thereunder.

Article 6. Termination and Recovery of Aid

13750. The county, at any time when it appears to its satisfaction after investigation, that a person is receiving aid to which he is not entitled, or receiving aid in a greater or lesser amount than he should receive, may cancel, suspend, revoke, increase, or decrease such aid as the case may warrant under the terms of this chapter and the rules and regulations made thereunder.

Article 7. Penalties

13800. Any person who, knowing he is not entitled thereto, obtains or attempts to obtain aid to which he is not entitled, or a larger amount than that to which he is legally entitled, is guilty of a misdemeanor.

Whenever any person has illegally obtained aid under this chapter, he shall make restitution, and all actions necessary to secure restitution may be brought against him.

13801. Any person who knowingly violates any provision of this chapter for which no penalty is specifically provided is guilty of a misdemeanor.

Chapter 7. Medical Care for Public Assistance Recipients

Article 1. General Provisions

14000. The purpose of this chapter is to provide medical services or other remedial care to a recipient of public assistance who is unable from his own resources to provide such required services or care.

14001. Medical care provided under this chapter may include diagnostic, preventive, corrective, and curative services and supplies essential thereto, provided by qualified medical and related personnel for conditions that cause suffering, endanger life, result in illness or infirmity, interfere with capacity for normal activity including employment, or for conditions which may develop into some significant handicap.

Medical care shall include, but is not limited to, other remedial care, not necessarily medical. Other remedial care shall include, without being limited to, treatment by prayer or healing by spiritual means in the practice of the religion of any church or religious denomination.

14002. Nothing in this chapter shall be construed as repealing any act or part of an act providing for the support of the poor except insofar as inconsistent therewith, and the provisions of this chapter shall be construed as an additional method of providing medical services or remedial care to recipients of public assistance.

14003. All service or care granted under the provisions of this chapter is held subject to the provisions of any law hereafter enacted amending, repealing, or supplementing in whole or in part the provisions of this chapter, and subject to the rules and regulations of the department. No recipient of service or care under this chapter shall have any claim for compensation or otherwise because his service is affected in any way by any such amending, repealing, or supplemental act, or by any such rule or regulation or by any addition, amendment, or repeal of such rules or regulations.

14004. The Governor 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.

14005. If any individual in good faith adheres to the teachings of any bona fide church, sect, denomination, or organization, and in accordance with its principles depends for healing entirely upon prayer or spiritual means, no medical examination shall be required to receive remedial care authorized by this chapter, but in lieu thereof the certificate of a practitioner of such bona fide sect, denomination, or organization approved and authorized by the department, shall be accepted as to the need of such individual for service. No rule or regulation shall be adopted or continued in force which discriminates against such an individual.

14006. Services shall be provided under this chapter to any recipient of public assistance, except that no recipient shall be required to accept such services.

14007. The degree of liability of relatives to support recipients of public assistance shall not be increased as a result of the services provided such recipients under this chapter. Liability for such support shall be determined in accordance with the laws and regulations of the respective public assistance programs under which eligibility is determined.

14008. The provisions of Section 11004 of this code shall be applied in determining the liability of any person to repay the cost of medical services received by him during any period of time he was ineligible to receive public assistance.

Article 2. Administration

14050. The administration of this chapter shall be carried out by the same agents as are authorized by the several boards of supervisors to administer the public assistance programs.

14051. The authorization of the board of supervisors awarding public assistance to a recipient shall be considered authorization for any medical services provided by this chapter, which the recipient may require and be qualified to receive under provisions of this chapter and the rules and regulations of the department.

14052. In order to provide the maximum services possible within the funds available, the department may contract with one or more public or private agencies, or nonprofit membership corporations lawfully operating under Section 9200 or 9201 of the Corporations Code, or with medical societies or other medical groups, or with vendors of medical supplies, or private insurance companies holding valid outstanding certificates of authority from the Insurance Commissioner of this state or with nonprofit hospital service plans qualifying under Chapter 11A of Part 2 of Division 2 of the Insurance Code, under subdivision (a) or subdivision (b) of this section, or both.

(a) The department may enter into nonexclusive contracts providing arrangements under which funds available for medical care under this chapter shall be administered and

disbursed to providers of medical care in consideration for services rendered and supplies furnished by them in accordance with the provisions of the applicable contract and any schedule of charges or formula for determining payment established pursuant to such contract. No contract entered into pursuant to this subdivision shall deny to recipients of public assistance free choice of physicians willing to provide services under the terms of such contract.

(b) Notwithstanding subdivision (a) of this section, the department may contract for one or more indemnity or service-type partial or full prepayment or group payment programs to provide medical care or any aspect thereof, with any agency or organization qualified under the first paragraph of this section.

Insofar as practical, consistent with the efficient and economical administration of this chapter, the department shall afford recipients of public assistance free choice of arrangements under which they shall receive medical care, and insofar as practical, consistent with the efficient and economical administration of this chapter, at least one arrangement available to all recipients of public assistance shall afford free choice among physicians willing to provide services under the terms of a contract entered into pursuant to this section.

Nothing in this section shall prevent any county in providing services required of it under this chapter from entering into contracts with another county, with one or more nonprofit membership corporations organized and operating under Section 9200 or 9201 of the Corporations Code, with medical societies, with medical groups, or with vendors of medical supplies, except that such contracts shall comply with subdivision (a) or subdivision (b) of this section and with the scope and rules prescribed by the department.

14053. The department shall prescribe the policies and scope of the services to be provided under this chapter, and shall adopt such rules and regulations as are necessary for carrying out the provisions of this chapter and not inconsistent therewith.

In establishing the scope of medical services pursuant to this section, the department shall give priority to outpatient services which will permit an aged person to remain in his own home or some other suitable home of his own choosing, in preference to having to accept care in an institution.

14054. The department shall appoint an advisory committee consisting of not more than nine persons, which committee shall serve in a consulting capacity. Members of the committee shall be representative of organizations and groups which have had a wide range of experience in providing medical care. The members of the committee shall receive no compensation for their services, but shall be allowed their actual traveling expenses incurred in the discharge of their duties. The committee shall make recommendations and give advice to the department as to the medical needs of public assistance recipients.

14055. An authorized agent of the board of supervisors shall determine the eligibility of any recipient of public assistance to receive services as provided by the rules and regulations of the department, and, if such recipient is eligible, shall certify him to the public or private agency, nonprofit membership corporation, medical society, medical group, or private vendor designated to provide the required medical services or supplies. No recipient shall be held liable for the cost of medical care paid for under this chapter.

14056. Itemized bills for service under this chapter shall be submitted not more than six months after the month in which the service is rendered.

Article 3. Fiscal Provisions

14100. The total expenditures authorized in any fiscal year by this chapter shall not exceed the following sums:

(a) Three dollars ($3) multiplied by the sum of the 12 monthly numbers of recipients of public assistance under Chapter 2 of this part, plus six dollars ($6) multiplied by the sum of the 12 monthly numbers of needy parents or needy persons taking the place of a parent in the supervision or care of needy children receiving assistance under Chapter 2 of this part.

(b) Fifteen dollars ($15) multiplied by the sum of the 12 monthly numbers of recipients of public assistance under Chapters 3, 4, 5, and 6 of this part.

The sums appropriated pursuant to this section shall not be construed as limiting the amount of service or the period over which such service may be granted with respect to any recipient found to be eligible for care under this chapter

There is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, the money necessary to pay each county for expenditures incurred by payment of bills for authorized medical care services to recipients of public assistance; the sum shall be determined as the balance after payment by each county of the amount required by Section 14101 and payment of any sums available for medical care from the federal government.

14101. Each county shall each quarter bear the cost of services and care provided adult recipients under this chapter in an amount equal to the product of one dollar ($1) multiplied by the number of recipients authorized to receive aid as of the first calendar month of each quarter under Chapters 3, 4, 5, and 6 of this part.

The count of recipients for whom the county must bear the cost pursuant to this section shall be those recipients authorized to receive aid as of the first day of the month and the count of recipients shall not be subject to change or adjustment for recipients added or discontinued during the month

14102. The department shall estimate the amount required by each county to provide medical care under this chapter. The department shall reduce its estimate by the amount to be expended by each county, and shall also indicate the amounts

to by paid from the General Fund and from the Social Welfare Federal Fund.

The estimate of amounts to be paid from the Social Welfare Federal Fund shall include:

1. For each needy child for whom federal funds are received, the sum of one dollar and fifty cents ($1.50) per month.

2. For each relative of a needy child for whom federal funds are received, the sum of three dollars ($3) per month.

3. For each recipient of aid to the blind for whom federal funds are received, the sum of three dollars ($3) per month.

4. For each recipient of aid to the needy disabled for whom federal funds are received, the sum of three dollars ($3) per month.

5. For each recipient of old age security for whom federal funds are received, the sum of three dollars ($3) per month, plus an amount equal to one-half of the medical expenditures made in behalf of each such recipient under this chapter.

14103. All necessary expenses incurred by the county in carrying out the provisions of this chapter shall be paid by the county in the same manner as other expenses of the county are paid.

14104. During such times as grants-in-aid are provided or made available by the United States government for the costs of administering the services provided by this chapter, the State Treasurer shall pay to each county from the sums so granted an amount equal to the county's proportionate share of any amount granted or made available. The department shall determine the portion of the amount so granted or made available for administrative costs to be paid to the counties, which portion for each county shall bear the same proportion to the total amount granted or made available to the state for such administrative costs as the administrative costs of that county bear to the total administrative costs of all counties and of the state.

14105. The department shall, prior to the beginning of each quarter, estimate the amount required by each county to provide medical care under this chapter, and shall certify to the State Controller the amounts estimated by it. The department shall adjust its estimates by any sum by which its estimates for any prior quarter were greater or less than the amount which should have been paid to the counties

The State Controller shall thereupon draw his warrants against the General Fund, and prior to audit or settlement by the department and the Controller, the State Treasurer shall pay to the treasurer of each county the amount certified for the county.

14106. Reports of services and expenditures under this chapter shall be presented by the respective counties at times and in the form prescribed by the department and the State Controller. The amounts approved shall be allowed as a credit to apply against advances made under Section 14105.

14107. It is the intention of the Legislature, whenever feasible, that the needs of recipients of public assistance for medical and allied care and services be met under the provisions of this chapter.

In order to accomplish this result, the State Treasurer, upon the request of the Director of Social Welfare and with the approval of the Director of Finance, shall transfer from the General Fund to such appropriation as may be made to pay for medical care pursuant to this chapter an amount, not to exceed two dollars and fifty cents ($2.50) per month for each recipient of public assistance, and, equivalent to the estimated state share of the amount per recipient per month, which would otherwise be payable to recipients as allowances for such medical care and services in their monthly grants. The expenditure of the amounts transferred hereunder is authorized in addition to that authorized in Section 14100 of this code.

14108. The cost of services and care to be borne by the county, as specified in Section 14101, shall be increased by an amount equivalent to one-sixth ($\frac{1}{6}$) of the amount transferred during the preceding quarter by the State Controller pursuant to Section 14107 of this code. The expenditure of the amount each county is required to bear under the provisions of this section is authorized in addition to that authorized in Section 14101 of this code.

CHAPTER 8. MEDICAL ASSISTANCE FOR THE AGED

Article 1. General Provisions

14500. The object and purpose of this chapter is to establish a program of medical assistance for the aged which will more adequately furnish medical care to those elderly persons who are financially unable to pay for medical and hospital care needed to preserve their health and prolong life. Insofar as it is practical to do so, the program authorized by this chapter shall be planned and administered in such a way as to supplement the financial ability of the county governments of this state to meet the health needs of aged persons who are not recipients of old age security, by utilizing to the fullest extent possible the federal funds available to this state for such aged persons under Title I of the Federal Social Security Act.

14501. As used in this chapter:

(a) "Medical assistance" means medical care, as defined in Section 14001 of this code, which is rendered in behalf of aged persons as provided by Section 14555 and the regulations of the department pursuant thereto.

(b) "Aged person" means any person 65 years of age or older who meets the following conditions:

1. Who resides in California.

2. Whose average monthly income over the next 12 months is not expected to exceed the costs of his medical care plus the cost of his maintenance as determined by the standard of assistance for a recipient of old age security.

3. Who does not own personal or real property, or both, in excess of the amount permitted for recipients of old age security.

4. Who is not a recipient of old age security.

5. Who is not a patient in an institutuion for tuberculosis or mental diseases.

6. Who is not a patient in a medical institution as a result of a diagnosis of tuberculosis or psychosis, except to the extent federal reimbursement is provided by Title I of the Federal Social Security Act.

7. Who is not an inmate of a public institution, except as a patient in a public medical institution.

(c) "County hospital" means a medical facility established and maintained by the board of supervisors of a county pursuant to Section 1441 of the Health and Safety Code.

(d) "Contract hospital" means a nonprofit medical facility, licensed pursuant to Section 1401 of the Health and Safety Code, with which the board of supervisors of a county which does not maintain a county hospital has executed a contract, currently in effect, to care for medically indigent individuals.

14502. Whenever the term "hospital" or "nursing home" is used in this chapter, it shall be construed as referring to a medical institution as defined for the purposes of securing federal approval of plans for public assistance.

14503. Nothing in this chapter shall be construed as repealing any act or part of an act providing for the medical care or hospitalization of aged persons. The provisions of this chapter shall be considered as an additional method of providing medical care or hospitalization and supplementation to medical services or remedial care provided to aged persons under other provisions of state law.

14504. All service or care granted under the provisions of this chapter is held subject to the provisions of any law hereafter enacted, amending, repealing, or supplementing in whole or in part the provisions of this chapter, and subject to the rules and regulations of the department. No recipient of service or care under this chapter shall have any claim for compensation or otherwise because his service is affected in any way by any such amending, repealing, or supplemental act, or by any such rule or regulation or by any addition, amendment, or repeal of such rules or regulations.

14505. The Governor 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.

14506. The provisions of this chapter shall only remain in operation during such times as grants-in-aid are provided or made available to the state on the basis of a state plan approved by the federal government as medical assistance for the aged pursuant to the provisions of Title I of the Federal Social Security Act.

14507. If, when and during such times as the Federal Social Security Act provides medical care services as an integral

part of the insurance benefit program for qualified beneficiaries under Title II of the Federal Social Security Act, any aged persons eligible for such medical services shall be ineligible for any similar medical assistance as may be available under this chapter.

14508. Whenever an aged person, by virtue of other federal or state statutes or by virtue of an enforceable contract, is entitled to medical care or payment for medical care, benefits payable under this chapter shall be reduced by the amount of his entitlement. Such reduction shall not preclude the use of benefits under this chapter to supplement his entitlement to the point where his medical needs are met.

14509. If federal requirements permit a recipient of aid under this chapter to own an automobile of greater value than is permitted in the case of recipients of aid under Chapter 3 of this part, the department shall adopt the more liberal allowance in its rules and regulations.

14510. To the extent that federal sharing is available for the cost of care for the patient involved, medical care as defined and paid for under this chapter shall also include medical assistance provided in a medical institution licensed by the State Department of Mental Hygiene under Section 5700 of this code. Whenever the term "nursing home" is used in this chapter, it shall be construed to include facilities described in this section.

14511. The advisory committee appointed pursuant to Section 14054 of this code is also authorized to act in an advisory capacity to the department in relation to the medical care content of the services to be provided under this chapter.

14512. Nothing in this chapter shall be construed as imposing any control over the management of any medical care facility, except that such facility shall be required to comply reasonable standards of service in order to participate in the program provided by this chapter.

14513. No relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient of assistance under this chapter.

Notwithstanding the provisions of Section 206 of the Civil Code or Section 270c of the Penal Code, or any other provision of this code, no demand shall be made upon any relative to support or contribute toward the support of any applicant for or recipient of assistance under this chapter No county, or officer or employee thereof, shall threaten any such relative with any legal action against him by or in behalf of the county, or with any penalty whatsoever.

14514 Medical assistance provided pursuant to this chapter shall not constitute a lien upon the property of the aged person.

14515. This chapter shall be known and may be cited as the Rattigan-Burton Act.

Article 2. Administration

14550 Medical assistance shall be provided under this chapter to any aged person who meets the requirements of this chapter and the regulations of the department, and who has been certified as eligible by the county agency designated by the board of supervisors to administer this chapter.

14551. The county agency established to carry out the local administrative responsibilities of the public assistance programs shall carry out the local administrative responsibilities of this chapter, except as otherwise provided by regulations of the department authorizing the board of supervisors to designate another county agency. In the event the selection of another county agency is permitted, the designation of that agency shall be made by formal resolution adopted by the board of supervisors. The designated agency shall comply with all provisions of this chapter and regulations issued pursuant thereto, and shall be responsible to the department for the administrative performance pertaining thereto.

14552. Application for certification of eligibility for medical assistance, as provided by this chapter, shall be made to the county agency designated by the board of supervisors.

14553. The county agency shall immediately and without delay determine the eligibility of an applicant for benefits provided by this chapter. The investigation of eligibility shall be conducted in accordance with standards and procedures prescribed by regulations of the department.

14554. The agency designated by the board of supervisors under Section 14551 shall determine the eligibility of any aged person to receive medical assistance as provided by this chapter and the rules and regulations of the department promulgated thereunder. Any aged person eligible to receive medical assistance under this chapter shall be certified as eligible by the county agency to the public or private agency, nonprofit membership corporation, medical society, medical group, or private vendor designated to provide the required medical assistance.

14555. The department shall establish the maximum allowances for services to be provided and shall prescribe the policies, standards, and scope of services to be provided under this chapter, and shall adopt such rules and regulations as are necessary for carrying out every provision of this chapter and not inconsistent therewith.

In establishing the scope and limitations of medical assistance to be provided pursuant to this chapter, the department shall be limited to providing medical care to an aged person who requires care in a hospital or a nursing home and outpatient care for such aged person following discharge therefrom.

Medical care includes medical assistance required in a medical facility operated or licensed by the United States, one of the several states, or a political subdivision of a state, or in a facility exempt from licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code, or in a facility

licensed by the State Department of Public Health. Such medical care shall include the services of physicians and related personnel as well as the other inpatient services provided by the hospital or nursing home Medical assistance shall be continued, as needed, on an outpatient basis upon release from the hospital or nursing home.

A transfer from one facility to another shall not be considered as an interruption in the continuity of care.

No cost of care shall be paid for under this chapter for the first 30 days of confinement in a hospital or nursing home, except as is expressly provided elsewhere in this chapter.

Upon a showing of favorable cost experience and the approval of the State Department of Finance, the department may reduce the required period of confinement and the period for which costs of care may not be paid, but in no event shall either of these periods of time be reduced below 21 days

In adopting the schedule of maximum allowances as required by this section, the department shall not adopt a schedule which offers local public medical facilities a lesser rate of return in comparison to actual costs than is offered to nonpublic facilities. To the extent that rate schedules established for nonpublic facilities include a factor for plant depreciation or replacement, the same consideration shall be extended in determining rates for public facilities.

No cost of care shall be paid for under this chapter to a medical facility unless:

(a) It is licensed by the State Department of Public Health as a hospital within the meaning of Section 1401 of the Health and Safety Code; or

(b) It is licensed by a comparable agency in another state; or

(c) It is exempt from licensure pursuant to subdivision (c) of Section 1415 of the Health and Safety Code; or

(d) It is operated by the Regents of the University of California.

14556. The department may contract or may authorize a county to contract with one or more nonprofit membership corporations lawfully operating under Section 9200 or 9201 of the Corporations Code, or with medical societies or other medical groups, or with private insurance companies holding valid outstanding certificates of authority from the Insurance Commissioner of this state or with nonprofit hospital service plans qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code, under subdivision (a) or subdivision (b) of this section, or both.

Insofar as practical, consistent with the efficient and economical administration of this chapter, the department shall afford aged persons free choice of arrangements under which they shall receive medical assistance, and insofar as practical, consistent with the efficient and economical administration of this chapter, at least one arrangement available to

all recipients of medical assistance shall afford free choice among physicians willing to provide services under the terms of a contract entered into pursuant to this section.

The department may establish, and revise as necessary, uniform monthly rates which may be paid under a contract pursuant to this section as partial or full prepayment for services to be rendered in behalf of aged persons under this chapter.

(a) The department may enter into nonexclusive contracts providing arrangements under which funds available for medical assistance under this chapter shall be administered and disbursed to providers of medical care in consideration for services rendered and supplies furnished by them in accordance with the provisions of the applicable contract and any schedule of charges or formula for determining payment established pursuant to such contract. No contract entered into pursuant to this subdivision shall deny to aged persons free choice of physicians willing to provide services under the terms of such contract.

(b) Notwithstanding subdivision (a) of this section, the department may contract for one or more indemnity or service-type partial or full prepayment or group payment programs to provide medical care or any aspect thereof, with any agency or organization qualified under the first paragraph of this section.

14557. The director of a county agency which administers the provisions of this chapter and also administers medical facilities may not delegate to an employee the decision to authorize or deny aid under this chapter, if he has also delegated authority to that employee to operate or participate in the operation of any such medical facility.

14558. (a) Notwithstanding the provisions of Section 14555, payment shall be made for the first 30 days of care if confinement occurs in a county hospital or in a contract hospital, or nursing home to which an aged person transfers from a county hospital or contract hospital.

(b) Payment shall be made from the first day of the month following the date on which a person enters a nursing home from his own home or a private hospital.

(c) Payment shall be made within the first 30 days of confinement in any hospital or nursing home whenever the cost of care therein exceeds two thousand dollars ($2,000).

14559. The department may provide, by regulation, for the care and treatment, or both, of a recipient, pursuant to the provisions of this chapter or Chapter 7 of this part, by or in facilities in another state in those cases where out-of-state care or treatment is rendered on an emergency basis or is otherwise in the best interests of the recipient under the circumstances.

14560. Unless otherwise specified by any contract executed in accordance with Section 14556 of this code, a certificate of eligibility issued to an aged person shall remain in effect for a period of 12 months from the date of issuance unless the

aged person dies or his circumstances change in such a manner as to render him ineligible for further assistance under this chapter.

14561. A certificate of eligibility issued to an aged person shall be authorization for payment of any services rendered under this chapter in behalf of the person, for the three months immediately prior to the month in which the application for assistance was made.

If such services were rendered in a county hospital or in a contract hospital, or in a hospital or nursing home to which the person is transferred from a county hospital or contract hospital, payment for such services shall be made as provided in Section 14604. If the service was otherwise rendered, payment shall be made as provided in Section 14603.

14562. An aged person who receives long-term hospitalization or nursing home care shall be required to apply his regular income to defray part of the cost of his care, provided, however, that he shall be allowed to retain income as provided by regulations of the department for the following purposes:

(a) Personal and incidental need while a patient.

(b) The upkeep and maintenance of his home.

(c) The support and care of his spouse, minor dependents and any disabled relative for whose support he has contributed regularly.

The department shall also issue, by regulations, general standards and criteria to be used to measure the ability of aged persons to pay part of the cost of outpatient medical assistance provided under this chapter.

14563. Any aged person who does not have sufficient income to pay for his personal and incidental expenses while receiving hospital or nursing home care under this chapter shall be provided, at county expense, with a cash drawing account from which such aged person can make withdrawals up to fifteen dollars ($15) in any month to meet his personal and incidental needs.

The cost of providing such withdrawal account pursuant to this section shall not be considered as an expenditure subject to state and federal reimbursement under this chapter. No claim may be made for repayment against the aged person or any of his relatives, and no action shall be undertaken to collect by levying a lien or other attachment against the property of such aged person or his kindred.

14564. Any recipient of assistance under this chapter, who is discharged from a hospital or nursing home, meets the eligibility qualifications for aid under Chapter 3 of this part, and otherwise has insufficient income to maintain himself until old age assistance is granted to him, shall be provided with sufficient funds, from general assistance, for the cost of his maintenance as determined by the standard of assistance for a recipient of old age assistance. If the recipient's care under this chapter was paid for by county and federal funds only, the grant payable under this section shall be paid entirely out

of county funds. If such care was paid for, in part, out of state funds, the state and county shall share in the aid grant payable under this section in the same ratio as they share in the payment of aid grants under Chapter 3 of this part.

Any recipient of assistance under this chapter who is discharged from a hospital or nursing home, and who was a recipient of aid under Chapter 4, Chapter 5, or Chapter 6 of this part, shall be entitled to have his aid grant increased or restored immediately upon his discharge from the hospital or nursing home, and no new application shall be required.

14565. Itemized bills for service under this chapter shall be submitted not more than six months after the month in which the service is rendered.

Article 3. Fiscal Provisions

14600. All necessary expenses incurred by the county in carrying out the provisions of this chapter shall be paid by the county in the same manner as other expenses of the county are paid.

14601. The total expenditures authorized in any fiscal year by this chapter shall not exceed:

(a) Three hundred eighty dollars ($380) multiplied by the sum of the 12 monthly numbers of recipients of medical assistance for the aged who received full-time care in a hospital as defined by Section 1401 of the Health and Safety Code, plus (b) twenty-seven dollars ($27) multiplied by the sum of the 12 monthly numbers of aged persons eligible to receive noninstitutional services under this chapter.

The sums appropriated pursuant to this section shall not be construed as limiting the amount of service or the period over which such service may be granted with respect to any recipient found to be eligible for care under this chapter.

There is hereby appropriated, out of any money in the State Treasury, otherwise not appropriated, the money necessary to pay each county for expenditures incurred by payment for authorized medical care pursuant to this chapter; after payment of any sums available from the federal government for the purposes of this chapter, the sum shall be determined as the balance after payment by each county of the amount required by Sections 14603 and 14604.

14602. Any federal funds received by this state for the proper and efficient administration of the medical assistance program for aged persons authorized by this chapter shall be distributed to each county in accordance with Section 14104 of this code.

14603. Each county shall bear one-fourth of the total expenditures under this chapter for the care of aged persons who are patients in a hospital or nursing home, except as is hereinafter provided.

The cost of medical assistance provided on an outpatient basis shall be borne by the state, after deducting therefrom

such federal funds as are received pursuant to Title I of the Federal Social Security Act.

14604. Until the cost of medical assistance exceeds two thousand dollars ($2,000), such assistance provided during the first 30 days in accordance with subdivision (a) of Section 14558 of this code, or during the period prior to the date of application as provided in Section 14561 of this code, shall be borne by the county, after deducting therefrom such federal funds as are received pursuant to Title I of the Federal Social Security Act.

14605. Funds shall be advanced to counties in the same manner as prescribed by Section 14105 of this code.

14606. Each county shall provide a system of recordkeeping related to the services rendered in behalf of aged persons and the expenditures made under this chapter. Reports of the services rendered and expenditures shall be presented by the respective counties at times and in the manner prescribed by the department. The amount of expenditures approved shall be allowed as a credit to apply against advances made under Section 14105 of this code.

CHAPTER 9. FINANCIAL PROVISIONS

Article 1. General Provisions

15000. Notwithstanding any provisions of Sections 29800 and 29805 of the Government Code, warrants payable to recipients of public assistance shall not include any word or abbreviation indicative of aid, assistance, charity, needy, support, or welfare. Nothing in this section prohibits the use of code numbers or other code symbols used and understood by county officers and agencies to identify the purpose and liability for which such warrants are drawn, if such code numbers or other code symbols are not generally so understood by the public.

15001. Any warrant issued in payment of old age security or aid to the blind is void if not presented to the county treasurer for payment within six months after its date, and shall be canceled and the face amount shall revert and be credited in the manner provided by Section 29802 of the Government Code. Each such warrant shall bear on its face a statement that the warrant shall be void if not presented to the county treasurer for payment within six months after the date of issuance thereof.

However, if a recipient of any warrant is in possession of such a warrant made payable to him, which has been voided under the provisions of this section, he may, upon surrender of the voided warrant, have issued to him a substitute warrant bearing the date that it is issued and the same face amount as the voided warrant.

The provision for a substitute warrant shall also apply to the legal representative or heir of a deceased recipient, in accord with the provisions of Section 12158 of this code.

Article 2. Social Welfare Federal Fund

15050. The Social Welfare Federal Fund in the State Treasury is hereby created. All grants of money received by the state from the United States, the expenditure of which is administered through or under the direction of the department, shall, on order of the State Controller, be deposited in the Social Welfare Federal Fund.

15051. All money in the Social Welfare Federal Fund is hereby appropriated to the department, without regard to fiscal years, for expenditure for the purposes for which the money deposited therein is made available by the United States for expenditure by the state.

15052. The department and the State Controller shall keep a record of the classes and sources of income deposited in or transferred to the Social Welfare Federal Fund, and of the disbursements therefrom.

15053. The Director of Finance and the State Controller may approve any general plan whereby:

(a) Any expenditures which are a proper charge against the money made available by the United States and deposited in the Social Welfare Federal Fund may be paid, in the first instance, from the General Fund, and

(b) The General Fund shall be reimbursed for expenditures made therefrom that are a proper charge against the Social Welfare Federal Fund.

Such a general plan may provide for advance transfers from the Social Welfare Federal Fund to the General Fund, based on estimates of expenditures to be made from the General Fund which will be subject to reimbursement from the Social Welfare Federal Fund pursuant to such plan, and may provide for reimbursements to the Social Welfare Federal Fund.

Requests for reimbursement pursuant to such a plan shall be furnished to the State Controller in writing by the department, accompanied by such financial statements as the plan may provide; and on order of the State Controller, the required amount shall be transferred in accordance therewith.

Article 3. Welfare Advance Fund

15100. A revolving fund in the State Treasury is hereby created, to be known as the Welfare Advance Fund. All moneys in the fund are appropriated for the purpose of making payments or advances to counties of the state and federal shares of assistance or medical care programs or the cost of administration of such programs, and for the payment of refunds.

Payments or advances of funds to counties, which are properly chargeable to appropriations made from other funds in the State Treasury, may be made by Controller's warrant drawn against the Welfare Advance Fund. For every warrant so issued, the several purposes and amounts for which it was drawn shall be identified for the payee.

The amounts to be transferred to the Welfare Advance Fund at any time shall be determined by the department, and, upon order of the Controller, shall be transferred from the funds and appropriations otherwise properly chargeable therewith to the Welfare Advance Fund.

Refunds of amounts disbursed from the Welfare Advance Fund shall, on order of the Controller, be deposited in the Welfare Advance Fund, and, on order of the Controller, shall be transferred therefrom to the funds and appropriations from which such amounts were originally derived. Claims for amounts erroneously paid into the Welfare Advance Fund shall be submitted by the department to the State Controller who, if he approves such claims, shall draw his warrant in payment thereof against the Welfare Advance Fund.

All amounts increasing the cash balance in the Welfare Advance Fund, which were derived from the cancellation of warrants issued therefrom, shall, on order of the Controller, be transferred to and in augmentation of the appropriations from which such amounts were originally derived

Article 4. Payment of State and Federal Funds to Counties for Public Assistance Programs

15150. During such time as grants-in-aid are provided or made available by the United States government for public assistance in this state, the State Treasurer shall pay to each county from the sums so granted (1) an amount which shall be used exclusively as public assistance equal to the full amount of any sums received from the United States government as public assistance in respect to recipients within the provisions of this chapter maintained or supported by the county; and (2) an additional amount equal to such county's proportionate share of any amount so granted or made available to this state by the United States government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The department shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion for each county shall bear the same proportion to the total amount made available to this state for such administrative costs that the administrative costs of that county bear to the total administrative costs of all counties and of the state. The department shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares for such quarter to each county under the provisions of this section and Section 15152.

15151. During such times as grants-in-aid are provided or made available by the United States government for the purpose of defraying any portion of the costs of administration incurred for public assistance, the State Treasurer shall pay to each county an amount equal to such county's proportionate share of the sum so granted for the cost of administra-

tion, which amount shall be used exclusively for paying such administration costs. The department shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion shall be determined pursuant to rules and regulations of the department and shall be not less than one-half of the amount so granted or made available. The department shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.

This section shall become operative and shall supersede subdivision (2) of Section 15150 during such times as grants by the United States government, provided or made available to defray any portion of administration costs incurred for public assistance, are not computed as a proportion of such costs of administration. Whenever this section is in effect, all other sections referring to Section 15150 shall also be deemed to refer to this section.

15152. From the sums appropriated therefor by the State of California, the State Treasurer shall pay to each county an additional amount, which shall be used exclusively for public assistance, equal to that proportion of the aid grants paid by the county under each public assistance program as is specified in the appropriation for that program, after deducting from the sums so expended the amount paid to the county under subdivision (1) of Section 15150 of this code.

15153. Notwithstanding the provisions of any other section of this code, the method of computing and advancing funds to counties, both as to state funds and funds made available by the United States government, shall be as follows:

1. The department shall prior to the beginning of each month estimate the amount to be paid for such month to each county under this part.

2. The department shall then certify to the State Controller the amounts so estimated by it for each county, adjusted by any sum by which it finds that its estimate for any prior period was greater or less than the amount which should have been paid.

3. The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the department and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

4. Moneys may be advanced by or on behalf of any county to a corporation or association in accordance with the provisions of a contract executed between such county and the corporation or association pursuant to Section 14052 or 14556 of this code.

15154. Reports of amounts paid out for public assistance shall be presented by the respective counties at times and in the form prescribed by the department. Such reports shall be audited by the department and the State Controller, and,

when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of Section 15153.

Article 5. Appropriations for Public Assistance

15200. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, and after deducting federal funds available, the following sums:

(a) To each county for the support and maintenance of needy children, 67.5 percent of the sums specified in Section 11450.

(b) To the department for the support and maintenance of needy children, the sum specified in Section 11403.

15201. There is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to every county within this state for maintaining or supporting aged persons who come within the provisions of Chapter 3 of this part, aid not in excess of a sum equal to six-sevenths of the grant made pursuant to that chapter to every such aged person, after deducting therefrom the amount of any sum received from the United States government as old-age assistance in respect to such aged persons, each month for each such aged person maintained or supported by such county.

Payments of aid shall be made in the manner provided in Article 4 of this chapter.

15202. There is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to every county in the state for maintaining, supporting, or caring for blind persons who come within the provisions of Chapter 4 of this part, aid not in excess of a sum equal to three-fourths of the grant made pursuant to that chapter to every such blind person, after deducting therefrom the amount of any sum received from the United States government for aid to the blind in respect to such blind person, each month for each such blind person maintained, supported and cared for by such county.

Payments of aid shall be made in the manner provided in Article 4 of this chapter.

15203. There is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to every county in the state for maintaining, supporting, or caring for blind persons who come within the provisions of Chapter 5 of this part, aid not in excess of a sum equal to five-sixths of the grant made pursuant to that chapter to every such blind person, each month for each such blind person so maintained, supported and cared for, by such county.

15204. There is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to every county within this state for maintaining or supporting needy disabled persons who come within the provisions of Chapter 6 of this part, aid not in excess of a sum equal to six-sevenths of the grant made pursuant to Section 13700 to every such needy

disabled person, after deducting therefrom the amount of any sum received from the United States government as aid to the permanently and totally disabled in respect to such needy disabled person, each month for each such needy disabled person maintained or supported by such county.

PART 4. INSTITUTIONS AND OTHER FACILITIES FOR THE CARE OF CHILDREN AND AGED PERSONS

CHAPTER 1. INSTITUTIONS FOR CHILD CARE AND HOME-FINDING AGENCIES

16000. No person, association, or corporation shall, without first having obtained a written license or permit therefor from the department or from an inspection service approved or accredited by the department:

(a) Maintain or conduct any institution, boarding home, day nursery, or other place for the reception or care of children under 16 years of age, nor engage in the business of receiving or caring for such children, nor receive nor care for any such child in the absence of its parents or guardian, either with or without compensation.

(b) Engage in the finding of homes for children under 16 years of age, or place any such child in any home or other place either for temporary or permanent care or for adoption.

The provisions of subdivision (a) do not apply to any hospital or establishment holding a license in good standing issued under the provisions of Chapter 2 or Chapter 3 of Division 2 of the Health and Safety Code. However, where a hospital or establishment holding such a license from the State Department of Public Health provides services not incidental to its primary purpose, the provisions of subdivision (a) continue to apply to the hospital or establishment in respect to such additional services.

16001. The provisions of Section 16000 shall not apply to the receiving and care of a child or children under 16 years of age by a relative, nor to such receiving and care during a temporary period by a close friend of the parent or guardian with the consent of the parent or guardian, when such receiving and care is without compensation.

16002. No license shall be required pursuant to, and it shall not be a violation of subdivision (b) of Section 16000 of this code, for a maternity home licensed by the department, or a hospital or establishment holding a license in good standing issued under the provisions of Chapter 2, or Chapter 3 of Division 2, of the Health and Safety Code, to release or surrender the custody of a child under 16 years of age to any person, association or corporation designated in a written authorization signed by its parent, or, if there is no parent, by the person having legal custody of the child.

On the release of a child to any person other than a parent or relative by blood or marriage, the hospital or maternity

home shall report within 48 hours to the department, on forms supplied by that agency, the name and address of the person, organization or corporation into whose custody the child was released.

16003. The department shall make such reasonably necessary rules and regulations as it deems best for the government of any institution or the performance of any service specified in Section 16000 of this code. The department may, by any duly authorized representative, inspect and examine any such institution, home, or place, or the performance of any such service.

16004. The department may inspect, examine and license under this chapter, or any county or city may establish, and the department may accredit and approve, a county or city inspection service to perform such functions under this chapter.

If any county or city establishes an inspection service, and such service is approved by the department, the inspection may be made by a health department having at least one regularly licensed physician, or a qualified social service department.

The inspection service shall conform to the requirements of this chapter and to the rules of the department.

The costs of any inspection service undertaken by a county or city, with the approval of the department, shall be borne by the state in the amount found necessary by the department for proper and efficient administration, but not to exceed in any fiscal year an amount equal to sixty-five dollars ($65) for each new or renewal license granted. Claims shall be filed with the department, at the time and in the manner specified by the department, for reimbursement of the expenses incurred. Whenever a claim covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the appropriation for the prior fiscal year. If any grants-in-aid are made by the federal government for the support of any inspection service approved by the department, the amount of the federal grant shall first be applied to defer the costs of the service and the remainder of the costs, if any, shall be borne by the state

16005. Any holder of a valid license issued by the department, which authorizes the licensee to engage in any of the functions specified in subdivision (b) of Section 16000, may, unless the license provides otherwise, place children in any boarding home selected and exclusively used for the reception and care of children placed by such licensee. A boarding home selected by such licensee shall not, during the time it is used exclusively for such placements or care, be subject to the provisions of subdivision (a) of Section 16000 or Section 16013. Nothing herein contained shall divest local authorities of their regulatory powers as contemplated by Section 16016.

16006. Any county may apply for, and the department may issue to any county department designated by the county

making the application, a license to perform the home-finding and placement functions, other than adoption, specified in subdivision (b) of Section 16000.

16007. A permit or license issued by the department or by an approved and accredited inspection service shall expire 12 months from its date of issuance.

16008. Application for renewal of a permit or license shall be filed 10 days prior to its expiration each year. If the application is not so filed, the license or permit is automatically canceled. Where a hearing is held under this section, the proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

16009. Failure to comply with any rule or regulation promulgated under Section 16003 is cause for revocation or suspension of a permit or license by the department. Any person whose permit or license is revoked or suspended shall have the right to appeal to the department. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

16010. No license shall be transferred. Neither the location of any institution, boarding home, or other place specified in Section 16000 of this code, nor the place of performance of any service specified therein, shall be changed without the written consent of the department or of an approved or accredited inspection service.

16011. Every holder of a permit or license shall maintain a register setting forth the following facts concerning each child under the age of 16 years received, cared for, or placed in any home by such license holder:

(a) Name.
(b) Last previous address.
(c) Age.
(d) Nearest of kin.
(e) Mother's maiden name.
(f) Person responsible for his care and maintenance.
(g) Such other data as the department requires.

16012. Upon the occurrence of any deaths of children or changes in the administrative personnel of any such home, the holder of the license or permit shall, within 48 hours, give written notice thereof to the department or to the approved and accredited inspection service by which such license or permit was issued.

16013. Any person, association, or corporation that maintains, conducts, or, as manager or officer or in any other administrative capacity, assists in maintaining or conducting any institution, boarding home, or other place or the performance of any service specified in Section 16000 of this code without first having secured a license or permit therefor, in writing, or refuses to permit or interferes with the inspection

authorized in Section 16003 of this code, is guilty of a misdemeanor.

16014. The director may bring an action to enjoin the threatened violation or continued violation of the provisions of this chapter, including the operation of a home or institution without a license or permit; or of any of the regulations promulgated under this chapter, in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

At least 30 days prior to the filing of a complaint against a licensee, the director shall serve the licensee with a written notice specifying each deficiency in the licensed home or institution, and of the violation or continued violation by such home or institution of this chapter or any of the regulations promulgated under this chapter. No restraining order shall be issued in such action.

16015. The district attorney of every county shall, upon application by the department or its authorized representatives, or by an approved and accredited inspection service, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this chapter.

16016. The provisions of this chapter shall not prevent local authorities of any county, city, or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health, and hygiene for institutions, boarding homes, day nurseries or other places for the reception or care of children under 16 years of age, not in conflict with the provisions of this chapter, and requiring a local health permit to maintain or conduct any such institution, boarding home or day nursery within such county, city, or city and county.

16017. Each person who operates and lives in, or who is employed in, an institution licensed by the department pursuant to subdivision (a) of Section 16000 of this code shall have on file with the institution a certificate from a physician showing that during the preceding year he has submitted to an X-ray of the lungs, or an approved intradermal tuberculin test, which, if positive, was followed by an X-ray of the lungs, and has been found free from active tuberculosis. The provisions of this section shall not apply to any boarding home, institution or other facility, for the reception and care of children, operated by and for the adherents of a bona fide church, sect, or denomination, who rely upon prayer in the practice of religion for their protection and health; pro-

vided that such institution, boarding home or other facility for the reception and care of children limits its admission to members of the particular faith of those operating the facility.

16018. Before issuing a license to any person to operate a boarding home, foster home, or other place maintained to receive and care for children, the department or the county or city inspection service, as the case may be, shall secure from the Federal Bureau of Investigation or State Bureau of Criminal Identification and Investigation a full criminal record to determine whether the applicant or his spouse has ever been convicted of a crime other than a minor traffic violation. If it is found that the applicant, or his spouse living in the same location, has been so convicted, the application shall be denied, unless otherwise provided pursuant to the following paragraph.

After review of the record, the Director of Social Welfare, or the person in charge of the county or city inspection service, as the case may be, may exempt any applicant for a license from the provisions of this section, if the record reveals no conviction of a felony involving intentional bodily harm or a sex offense, and if the director or person in charge of the county or city inspection service believes the applicant to be of such good character as to justify issuance of a license.

CHAPTER 2. COUNTY ADOPTION AGENCIES

16100. Any county may apply for, and the department may issue pursuant to Chapter 1 of this part to any county agency designated by the county making the application, a license to perform the home-finding and placement functions specified in subdivision (b) of Section 16000 of this code, to investigate, examine, and make reports upon petitions for adoption filed in the superior court, to act as a placement agency in the placement of children for adoption, to accept relinquishments for adoption, and to perform such other functions in connection with adoption as the department deems necessary, or to do any of them.

In order to extend the services of county adoption agencies to the maximum number of counties practicable within the limits of funds appropriated therefor, the department may license a county adoption agency to operate in such other counties in the general area of the agency as it deems conducive to the effective and efficient administration of the adoption program.

A license issued to a county agency pursuant to this section constitutes the holder thereof a "county adoption agency," and the holder shall be deemed to be an "organization" within the meaning of this code and of Chapter 2, Title 2, Part 3, Division 1, of the Civil Code.

16101. The cost of administering the adoption programs undertaken by a county under license issued pursuant to Sec-

tion 16100 of this code shall be borne by the state in the amount found necessary by the department for proper and efficient administration. The state shall reimburse the county for all such necessary administrative costs, after deducting therefrom the amount of fees up to three hundred dollars ($300) collected by the county agency pursuant to Section 225p of the Civil Code.

16102. Any county maintaining a county adoption agency may enter into an agreement with a physician and surgeon, a hospital operated by the Regents of the University of California, or a licensed hospital other than a county hospital, to pay all or part of the expense of prenatal care, delivery, and postnatal care including hospitalization in connection therewith, given to any expectant unmarried mother, when such expectant mother is in the opinion of the county adoption agency financially unable to provide such care.

Nothing in this section shall be construed as to require the execution of any agreement on the part of the county. No agreement to pay shall be entered into, nor shall the expense of such care be paid, by any county or county adoption agency, unless the mother has requested such county agency to study the child with a view to accepting a relinquishment for adoptive placement.

16103 At least once each month, the county shall remit to the department that part of the fees collected pursuant to Section 225p of the Civil Code which has been collected for the purpose of providing for the expense of prenatal care, delivery, and postnatal care of expectant unmarried mothers under Section 16102 of this code. The department shall deposit such remittances in the Special Deposit Fund in the State Treasury.

16104 The state shall reimburse each county which provides for prenatal care, delivery, and postnatal care of expectant unmarried mothers, pursuant to Section 16102 of this code, for the actual cost of providing such care, to the extent that funds deposited for that purpose are available in the Special Deposit Fund

The department shall prescribe the manner and form in which claims for reimbursement shall be presented.

16105 County claims for reimbursement for expenses incurred for the operation of a county adoption agency shall be filed with the department at the time and in the manner specified by the department, and the claims shall be subject to audit by the department. Whenever a claim covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without the necessity of applying adjustment to the appropriation for the prior fiscal year.

The department shall adopt such rules as may be necessary to determine the cost of administration and the cost of care of children relinquished for adoption, and to provide for the presentation, allowance, and payment of such claims.

If any grants-in-aid are made by the federal government for the cost of administering an adoption program, or for the cost of care of children relinquished for adoption, the amount of the federal grant shall first be applied to defer the cost of administration or of care, and the remainder of the cost, if any, shall be borne by the state.

16106. The state shall reimburse each county for the cost of care of any child placed under the custody of a county department pursuant to Section 226c of the Civil Code. County claims for reimbursement of expenses incurred pursuant to Section 226c of the Civil Code shall be filed with the department at the time and in the manner specified by the department, and the claims shall be subject to audit by the department. Whenever a claim covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without the necessity of applying adjustment to the appropriation for the prior fiscal year.

CHAPTER 3. INSTITUTIONS AND BOARDING HOMES FOR AGED PERSONS

16200. No person, association, or corporation shall, without first having obtained a written license or permit therefor from the department or from an inspection service approved or accredited by the department, maintain or conduct any institution, boarding home, or other place for the reception or care of aged persons, nor receive or care for any such person not related to him by blood or affinity within the second degree. The provisions of this chapter do not apply to any hospital or establishment holding a license in good standing, issued under the provisions of Chapter 2 or Chapter 3 of Division 2 of the Health and Safety Code, or to hospitals exempt from the provisions of either or both of those chapters. However, where a hospital or establishment holding such a license from the State Department of Public Health provides services not incidental to its primary purpose, the provisions of this chapter continue to apply to the hospital or establishment in respect to such additional services.

The department shall require, as a condition to the issuance or retention of a license or permit, that any contracts made by the institution, home, or place, under which payment is made in advance for care of the aged person for a period of one year or more, shall be in writing and in a form approved by the department, prior to its use by the institution, home, or place.

16201. The department shall make such rules and regulations as it deems best for the government of any institution or for the performance of any service specified in Section 16200 of this code, and the department may, by any duly authorized representative, inspect and examine any such institution, home, or place, or the performance of any such service. Such inspection or examination shall be made not less than twice each year.

16202. The department may inspect, examine and license under this chapter, or any county or city may establish, and the department may accredit and approve, a county or city inspection service to inspect, make licensing decisions, issue licenses, consult with licensees, require compliance with statutory law, rules and regulations and minimum standards, and make recommendations to the department on revocation and suspension of licenses.

If any county or city establishes an inspection service, and such service is approved by the department, the inspection may be made by either a health department having at least one regularly licensed physician or a qualified social service department.

The inspection service shall conform to the requirements of this chapter, to the rules and regulations of the department, and to the minimum requirements and interpretations made by the department. Functions performed by a county or city inspection service are undertaken as agent of the department. Any applicant for a license or renewal thereof, or any licensee, may request the department to review any action taken by an accredited and approved inspection agency, and the department is authorized to take any action which it may deem advisable.

The costs of any inspection service undertaken by a county or city, with the approval of the department, shall be borne by the state in the amount found necessary by the department for proper and efficient administration, but not to exceed in any fiscal year an amount equal to sixty-five dollars ($65) for each new or renewal license granted. Claims shall be filed with the department, at the time and in the manner specified by the department, for reimbursement of the expenses incurred. Whenever a claim covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim, without the necessity of applying the adjustment to the appropriation for the prior fiscal year. If any grants-in-aid are made by the federal government for the support of any inspection service approved by the department, the amount of the federal grant shall first be applied to defer the costs of the service, and the remainder of the costs, if any, shall be borne by the state.

16203. A permit or license issued under this chapter shall expire one year from the date of its issuance and shall be renewed automatically upon application for renewal made pursuant to Section 16204 of this code, unless notice of nonrenewal be given to the licensee at least thirty (30) days prior to the expiration date of the license.

Nothing in this section shall be construed to amend, directly or indirectly, Section 16206 of this code.

16204. Application for renewal of a permit or license shall be filed 10 days prior to its expiration. If such application is not so filed, such license or permit is automatically canceled. Where a hearing is held under this section, the pro-

ceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

16205. Failure to comply with any rule or regulation promulgated under Section 16201 is cause for revocation or suspension of a permit or license by the department. Any person whose permit or license is revoked or suspended shall have the right to appeal to the department. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

16206. No license shall be transferred. Neither the location of any institution, boarding home, or other place specified in Section 16200, nor the place of performance of any service specified therein, shall be changed without the written consent of the department or of an approved and accredited inspection service. No license issued under this chapter shall be deemed to have value for sale or exchange as property, and it is a misdemeanor for any person, whether acting as principal, agent, broker, or otherwise, to sell or attempt to sell or otherwise trade or deal with any license for commercial purposes.

16207. Every holder of a permit or license shall maintain a register setting forth the following facts concerning each aged person received or cared for:

(a) Name.
(b) Last previous address.
(c) Age.
(d) Nearest of kin.
(e) Mother's maiden name.
(f) The person responsible for his care and maintenance.
(g) Such other data as the department requires.

16208. Upon the death of an aged person or change in the administrative personnel of any such home, the holder of the license or permit shall, within 48 hours, give written notice thereof to the department or to the approved and accredited inspection service by which such license or permit was issued.

16209. Any person, association, or corporation that maintains, conducts, or, as manager or officer or in any other administrative capacity, assists in maintaining or conducting any institution, boarding home, or other place, for the reception and care of aged persons not related to him by blood or affinity within the second degree, or performs any service specified in Section 16200 of this code, without first having secured a license or permit therefor, in writing, as required by Section 16200 of this code, or refuses to permit or interferes with the inspection authorized in Section 16201 of this code, is guilty or a misdemeanor.

16210. The district attorney of every county shall, upon application by the department or its authorized representatives, or by an approved and accredited inspection service, institute and conduct the prosecution of any action brought for the vio-

lation within his county of any of the provisions of this chapter.

16211. The provisions of this chapter shall not prevent local authorities of any county, city, or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for institutions, boarding homes, and other places for the reception or care of aged persons, not in conflict with the provisions of this chapter or the rules and regulations and minimum standards adopted by the department hereunder, and requiring a local health permit to maintain or conduct any such boarding home or institution within such county, city, or city and county.

16212. The director may bring an action to enjoin the threatened violation or continued violation of the provisions of this chapter, including the operation of a home or institution without a license or permit, or of any of the regulations promulgated under this chapter, in the superior court located in the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

At least 30 days prior to the filing of a complaint against a licensee, the director shall serve the licensee with a written notice specifying each deficiency in the licensed home or institution, and of the violation or continued violation by such home or institution of this chapter or any of the regulations promulgated under this chapter. No restraining order shall be issued in such action.

16213. The director shall require as a condition precedent to the issuance or renewal of any license or permit for any institution, boarding home, or other place for the reception or care of aged persons pursuant to this chapter, if the operator handles or will handle money of aged persons received or cared for therein, that the applicant for the license or the renewal of the license file, or have on file with the director, a bond issued by a company admitted to do business in this state, in a sum to be fixed by the director, based upon the magnitude of the operations of the applicant, but which sum shall not be less than one thousand dollars ($1,000), running to the State of California and conditioned upon his faithful and honest handling of money of aged persons received or cared for in such institution, home or other place for the reception or care of aged persons.

Every person injured as a result of any improper or unlawful handling of the money of an aged person in an institution, home, or other place for the reception or care of aged persons, may bring an action in a proper court, on the bond required to be posted by the operator pursuant to this section,

for the amount of damage he suffered as a result thereof to the extent covered by the bond.

Whenever the director determines that the amount of any bond which is filed with him pursuant to this section is inadequate to protect the money of the aged persons in an institution, home, or other place for the reception or care of aged persons, which is being handled by the operator thereof, or whenever the amount of any such bond is impaired by any recovery against the bond, the director may require the operator to file with the director an additional bond in such amount as the director determines is necessary to adequately protect the money of the aged persons, which is being handled by the operator of the institution, home, or other place for the reception or care of aged persons.

The failure of the operator of any institution, home, or other place for the reception or care of aged persons, which has a license or permit issued pursuant to this chapter, to maintain on file with the director a bond in the amount prescribed by the director pursuant to this section, is a ground for the revocation of the license or permit of the institution, home, or other place for the reception or care of aged persons.

The provisions of this section shall not apply if the operator of the institution, boarding home, home, or other place for the reception or care of aged persons handles in any month less than twenty-five dollars ($25) per patient and less than five hundred dollars ($500) for all patients in the institution, home, or other place.

Chapter 4. Supervision of Life Care Contracts

16300. Any organization or person may receive transfers of property from an aged person, conditioned upon an agreement to furnish life care or care for a period of more than one year, which agreement may include the cash payment of personal and incidental expenses to the transferor or his nominee; provided, such organization or person has received a written license or permit pursuant to Section 16200 or 5700 of this code or Chapter 2 of Division 2 of the Health and Safety Code, and such organization or person has been granted a certificate of authority by the department.

Organizations or persons who furnish care exclusively under agreements, which may be canceled by either party without cause, are required to obtain a certificate of authority from the department for all agreements issued after October 1, 1957, if payment or transfer of property is made in advance to cover cost of care for one year or more; provided, however, that, if any such organization or person is a nonprofit benevolent organization, which accepts property in an amount less than the cost of care, the amount of reserve required of it under Section 16304 shall be reduced in the same proportion as the estimated cost of care bears to the value of the property transferred.

16301. When necessary to secure the performance of all obligations of the certificate holder to transferors, the department may record with the recorder of any county a notice of lien on behalf of the transferors. From the time of such recording, there exists a lien on all real property of the certificate holder, not exempt from execution, owned by him at the time or which he may afterward acquire before the release of the lien, and located within the county where such notice is recorded. The department shall file a release of the lien upon proof of complete performance of all obligations to transferors, or upon the filing of a bond meeting the conditions set forth in Section 16302 of this code. The department may file a release of the lien if the department deems the lien no longer necessary to secure the performance of all obligations of the certificate holder to the transferors. The certificate holder may appeal to the department from a refusal of a request for release of the lien. The decision of the board shall be subject to court review pursuant to Section 1094.5 of the Code of Civil Procedure, upon petition of the certificate holder filed within 30 days of service of the decision.

16302. Before issuing the certificate of authority, the department may, if it deems it necessary to safeguard the interests of the aged in the state, require any applicant for a certificate to file with the department, and maintain in effect during the period that the certificate of authority is in force, a bond executed by an admitted surety insurer, in an amount satisfactory to the department, conditioned that the principal will faithfully perform all obligations undertaken by him pursuant to the certificate of authority, to and for the use and benefit of all persons who may be injured or aggrieved by the failure of the principal to perform any such obligation, and any person so injured or aggrieved may bring suit on such bond, in his own name, without an assignment thereof.

16303. Before issuing the certificate of authority, the department shall require that any agent or employee of the applicant, who, in the course of his agency or employment, has access to any substantial amount of funds furnish, and maintain in effect during the period that the certificate of authority is in force, a surety bond in such form and penal sum as the department finds necessary to protect all persons from loss of the funds.

16304. Any organization or person receiving a certificate of authority to enter into care agreements shall maintain reserves covering obligations assumed under all agreements entered into and maintained. Such reserves shall be in an amount not less than the sum computed in accordance with the standard of valuation based upon a modern and up-to-date table of mortality selected by the department in consultation with the Department of Insurance. The table of mortality shall be employed in connection with all care agreements entered into on or after January 1, 1958, while McClintock's table of mortality among annuitants shall be em-

ployed in connection with care agreements entered into prior to January 1, 1958. The interest assumption for such computation shall be determined by the department in consultation with the Department of Insurance.

Failure to maintain reserves as provided in this section shall be deemed a breach of all agreements to furnish care.

The reserves shall consist of the following:

1. Deposits in commercial and savings accounts with banks which are members of the Federal Deposit Insurance Corporation, to the extent that such deposits are insured by that corporation.

2. Investments in certificates issued by building and loan associations which are members of the Federal Savings and Loan Insurance Corporation, to the extent that such certificates are insured by such corporation.

3. Notes receivable secured by first deeds of trust and first mortgages.

4. Bonds and stocks selected from an approved list, as determined by the department in consultation with the Department of Insurance and the Department of Investment. In the event stocks, bonds, and securities that are not on the approved list are part of the reserves, and if they are to be retained as part of the reserves, it shall not be necessary that such unapproved stocks, bonds, and securities be disposed of immediately, but they shall be disposed of in accord with regulations of the department, which disposal shall be accomplished in a gradual manner so as to avoid loss to certificate holders. Securities which, although not on the approved list, should be retained in the reserve for reasons acceptable to the department may be retained with the specific approval of the department.

5. Real estate used to provide care and housing for holders of life care contracts, or equities therein, owned by the organization or person, to the extent of 60 percent of the net value thereof, except that beginning January 1, 1958, such percentage shall be reduced by 2 percent per year to a minimum of 25 percent of the net value thereof. Appraisals shall be made by two appraisers approved by the department.

6. Furniture and equipment situated in property used to provide care and housing for holders of life care contracts, to the extent of 50 percent of the net value thereof, except that beginning January 1, 1958, such percentage shall be reduced by 2 percent per year to a minimum of 25 percent of the net value thereof. Appraisals shall be made by two appraisers approved by the department.

7. Real estate or equities therein owned by the organization or person as an investment, the rents from which are used to discharge obligations to the holder of life care contracts or to reinvest as a part of the reserves.

8. Investment certificates or shares in open end investment trusts (1) whose management must have been managing a mutual fund registered under the Investment Company Act

of 1940, or the management must have been registered as an investment advisor under the Investment Advisors' Act of 1940, and in either case must currently have at least $100,000,000 under its supervision; (2) which is qualified for sale in California; (3) has at least 40 percent of its directors or trustees not affiliated with the fund's management company or principal underwriter or any of their affiliates; (4) is registered under the Investment Company Act of 1940; and (5) is a fund listed as qualifying under rules maintained by the Commissioner of Corporations in cooperation with the Department of Insurance.

9. At least 25 percent of the reserve necessary to maintain all care agreements must consist of listed bonds, stocks, commercial and savings accounts and building and loan certificates. Any person or organization holding a certificate of authority to enter into life care agreements upon the effective date of this act, that is unable to meet the reserve requirements of this subdivision, may petition the department for a modification of the percentage in the reserve requirement.

Any person or organization which has entered into care agreements prior to October 1, 1957, but which was not required prior to September 11, 1957, to obtain a certificate of authority under this chapter, is not required to maintain reserves covering obligations assumed under any agreement entered into prior to October 1, 1957.

16305. Life care agreements executed by an organization or person shall be deemed a preferred claim against all assets owned by the organization or person in the event of liquidation.

For purposes of computing the reserve, the liens required under Section 16301 shall not be deducted from the value of real or personal property.

16306. The department may require the filing with the department of a copy of any agreement entered into between the certificate holder and transferor, by every person or organization holding a certificate of authority to receive transfers under this chapter. All agreements entered into between the certificate holder and the transferor shall be in writing and shall contain all information required under Section 16307.

The department shall require that any forms used by the certificate holder in concluding an agreement with any transferor be filed with and approved by the department prior to their use by the certificate holder. The department may contract with the Department of Insurance, on such terms as may be mutually agreeable, for any assistance which the department may require in evaluating any submitted forms

16307 The agreement must:

(a) Show the value of all property transferred, including, but not limited to, donations, subscriptions, fees, and any other amounts paid or payable by or on behalf of the aged person.

(b) Show all the services which are to be provided by the person or organization to the transferor, including, in detail,

all items which the transferor will receive, such as board, room, medical care, clothing, burial, incidentals, and whether such items will be provided for a designated time period or for life.

(c) Be accompanied by a financial statement showing all facts pertinent to the financial condition of the certificate holder.

(d) Be furnished, together with the financial statement, to the transferor.

16308. If the agreement permits dismissal or discharge of the aged person from the home prior to the expiration of the agreement, with or without cause, an amount equal to the difference between the amount paid in and the amount used for the care of the aged person during the time he remains in the institution, based upon the per capita cost to the institution, shall be refunded to the transferor; however, in cases where a consideration greater than the minimum charge has been paid for accommodations above standard, a sum equal to the difference between the amount paid in and the ratio of the amount paid to the minimum consideration for standard accommodations times the current per capita cost to the institution applied to the period the aged person remained in the institution shall be refunded to the transferor. If the per capita cost to the institution during the period cannot be established otherwise, the cost during the period shall be deemed to be the cost at the time of the dismissal or discharge.

16309. The department shall make such rules and regulations as it deems best for the government of any institution or organization specified in Section 16300, in order that the rights of aged persons may be protected. The department may, by any duly authorized representative, inspect and examine any such institution, home, or place, books and records, or the performance of any service required pursuant to the agreement.

16310. In lieu of making a detailed financial investigation, the department may accept an annual audit of the records of the organization or person, made by a certified public accountant or public accountant, which shall include a certification, if such is the case, that the organization or person is maintaining reserves in accordance with the requirements of Section 16304.

Each organization or person specified in Section 16300 shall have an annual audit made of its financial affairs by a certified public accountant or a public accountant, which audit shall include full details on per capita costs of operation and on the matter of reserves. A copy of the audit shall be filed with the department. Funds and property received as advance payments for maintenance of the transferors shall be reported separately from membership fees, donations, or other funds available for capital expansion.

16311. A formal application shall be made by a person or organization to the department for a certificate of authority. When issued, the certificate of authority shall remain in force

until suspended or revoked by the department in accordance with Section 16312.

16312. Certificates of authority may be suspended or revoked for cause by the department.

Failure of the organization or person to meet the licensing requirements of Chapter 3 of this part or the reserve requirements of Section 16304 of this code shall constitute cause for suspension or revocation of the certificate of authority.

The person or organization whose certificate of authority is suspended or revoked shall have right of appeal to the department. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all of the powers granted therein.

16313. For the failure of any organization or person to establish and maintain reserves as provided in this chapter, the department shall, after due notice, revoke its certificate of authority. The department may request the Department of Insurance to aid in the determination as to whether or not sufficient reserves are established and maintained.

16314. No certificate of authority shall be transferred. Neither the terms of the agreement nor the place of performance specified in any agreement shall be changed without the written consent of the department, except in circumstances where residents are removed for medical treatment.

16315. A holder of a certificate of authority, who has life care residents in the home, and who wishes to sell or transfer ownership of the home to another party, shall first obtain approval from the department.

16316. Any person, association, or corporation that maintains, enters into, or, as manager or officer or in any other administrative capacity, assists in maintaining or entering into any agreement providing for transfer of property, conditioned upon an agreement to furnish life care to the transferor or his nominee, without first having secured a certificate of authority therefor in writing, or refuses to permit or interferes with the inspection authorized in this chapter, is guilty of a misdemeanor.

16317. Any report, circular, public announcement, certificate, financial statement, or any other printed matter or advertising material, which is designed for or used to solicit or induce persons to enter into any agreement providing for the transfer of property, conditioned upon an agreement to furnish life care or care for a period of more than one year, and which lists or refers to the name of any individual or organization as being interested in or connected with the person, association, or corporation to perform the contract, shall clearly state the extent of financial responsibility assumed by that individual or organization for the person, association, or corporation and the fulfillment of its contracts.

Any person, association, or corporation, that issues, delivers, or publishes, or, as manager or officer or in any other admin-

istrative capacity, assists in the issuance, delivery, or publication of any printed matter or advertising material which does not conform to the requirements of this section is guilty of a misdemeanor.

16318 The district attorney of every county shall, upon application by the department or its authorized representatives, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this chapter.

PART 5. COUNTY AID AND RELIEF TO INDIGENTS

CHAPTER 1. GENERAL PROVISIONS

17000. Every county and every city and county shall relieve and support all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, by their own means, or by state hospitals or other state or private institutions.

17001. The board of supervisors of each county, or the agency authorized by county charter, shall adopt standards of aid and care for the indigent and dependent poor of the county or city and county, and such standards shall be open to public inspection.

17002. The boards of supervisors may establish almshouses and county farms, prescribe rules and regulations for their government and management, and appoint the necessary officers and employees thereof, who shall hold office during the pleasure of the board.

17003. Every county may give such emergency relief to dependent nonresidents as the respective boards of supervisors deem necessary.

17004. If no other funds are available for the purpose, a county may incur all necessary expenses in transporting a nonresident indigent to another state or county, when information at hand reasonably tends to show that the person has a legal residence in such state or county.

17005. If a dispute occurs between counties as to the responsibility for an indigent, either county may submit the dispute to the department. The decision of the department thereon shall be final.

17006. The board of supervisors of every county as a board, or by committee or by such person or society as it may authorize, shall investigate every application for relief from the funds of the county, shall supervise by periodic visitation every person receiving such relief, shall devise ways and means for bringing persons unable to maintain themselves to self-support, and shall keep full and complete records of such investigation, supervision, relief, and rehabilitation as shall be prescribed by the department. Such records shall be confidential and shall not be open to examination

or inspection, except by the grand jury of the county or by a board or an officer of the state or the county charged with the supervision or direction of such relief or with the control or expenditure of funds applicable to such relief. Any citizen shall be entitled to demand and receive from the board, officer, committee, person, or society having custody of such records a statement of the amount, character, and value of the relief received by any person.

17007. No fee shall be charged by any public officer for filing any petition for guardianship under the provisions of Section 17403, or for any official act done or necessary in the course thereof, except that a county employee acting as such guardian shall be entitled to such costs therefor as will reimburse him in full for moneys advanced by him in such guardianship.

Where a county officer or employee is appointed and acts as such guardian, the board of supervisors may, by resolution, order that expenses necessary in the conduct of the guardianship and any necessary premiums on the bond of the guardian be advanced by the county to such guardian, and such expenses shall be a charge against the county, but the county shall be reimbursed out of any funds or property of the estate of the ward.

17008. In cases in which an indigent has an interest in the real property upon which he resides, a county may allow an amount that would otherwise be included in his budget for rentals, when such amount is necessary and will be used entirely for the purpose of preserving so far as possible the retention of such interest to provide a place of residence for the indigent.

17009. The board of supervisors may provide for the burial or cremation of the indigent dead and may provide for the maintenance of the graves of such dead.

Chapter 2. Eligibility

17100. Except as otherwise provided in this chapter, a person, in order to be entitled to aid, shall be a resident of the state and of the county wherein application is made.

17101. The residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he returns in seasons of repose.

17102. The residence of an unmarried minor child is the residence of the father, while he has legal custody of the minor, or if he has not such legal custody, the residence of the mother while she remains unmarried and has the legal custody of the minor.

The residence of an orphan is that of the last deceased person who had his legal custody.

The residence of a dependent child who has been declared free from the custody and control of his parent or parents, by

order of the juvenile court, is not changed by change of the residence of the parent or parents.

17103. Neither the domicile nor residence of the husband shall be deemed to be the domicile or residence of the wife, if they are living separate and apart, and in such case each may have a separate domicile or residence dependent upon proof of the fact and not upon legal presumptions.

17104. A resident of the State of California is a person who comes within all the following descriptions:

(a) Who has lived continuously in the state for a period of three years with the intent to make it his home; but time spent in a public institution or on parole therefrom shall not be counted in determining the matter of residence in this or another state.

(b) Who has not lost his residence by remaining away from this state for an uninterrupted period of one year. Absence from the state for labor or other special or temporary purpose does not occasion loss of residence.

17105. A person who is a resident of California within the meaning of this chapter is a lawful resident of the county wherein he applies for aid, if he has resided therein continuously for one year immediately preceding his application for assistance. If the applicant has no such residence, the county wherein he last resided continuously for one year immediately preceding his application shall be responsible for his support. If the applicant has no such year's residence within three years preceding application, that county shall be responsible for his support wherein he was present for the longest time during the three-year period. Time spent in a public institution or on parole therefrom or in a private charitable institution shall not in any case be counted in determining the matter of county residence.

17106. The eligibility of an indigent or needy person to receive surplus food under any program supported or sponsored by the federal government shall not be limited by any provision in this chapter, nor shall any county, by ordinance or otherwise, limit the eligibility of such persons to receive such food by the imposition of residence requirements, whether or not such food is distributed by a county agency.

17107. The board of supervisors may establish its own policies with reference to the amount of property, if any, a person shall be permitted to have while receiving assistance, to the end that, so far as it is possible, an applicant for public relief shall be required to apply his own property to his support.

17108. The policies established under Section 17107 shall not deny needed care in a county hospital or contract hospital, as defined in Section 14501 of this code, to any person who meets the eligibility requirements for medical assistance for the aged, and shall not require the application of any property of such a person to his support or the taking of any lien upon that property.

17109. As a condition to the grant or continuation of aid to an indigent, the board of supervisors may require, as security for the moneys so expended, that the applicant transfer or grant to it such property or interest in property as the applicant has, or such portion thereof or estate therein or lien thereon as the board specifies. Such property shall be managed by the board of supervisors and the net income thereof shall be applied to the reimbursement of the county for the aid granted, and any surplus in excess of such reimbursement shall be paid to the indigent. In the case of any estate, interest, or lien in such property held by the board, or any right of management transferred thereto, the board shall have all the powers of an attorney in fact for the indigent as to such estate, interest, or lien, and may sell, lease, or transfer the same, defend and prosecute all suits concerning it, pay all just claims against it and be reimbursed out of the proceeds, and do all things necessary for the protection, preservation, and management thereof. Any such estate, interest, or lien shall be held by the board, subject to the claim of the county for reimbursement for aid granted to the applicant or for moneys expended in its management, preservation, or protection, and such reimbursement shall constitute a preferred claim against such estate, interest, or lien.

17110. Whenever the respective boards of supervisors deem it best for the welfare of a family or in the public interest that an indigent remain in a county not responsible for his support, the county responsible for the support of the indigent may agree to support him in the county not so responsible; but no indigent supported in this manner shall be deemed to have acquired a residence in the nonresponsible county. Such agreement shall be made by the responsible county with the nonresponsible county, and a record or copy thereof shall be sent to and filed in the office of the department.

CHAPTER 3. WORK RELIEF PROJECTS

17200. Work may be required of an indigent, who is not incapacitated by reason of age, disease, or accident, as a condition of relief. Such work shall be created for the purpose of keeping the indigent from idleness and assisting in his rehabilitation and the preservation of his self-respect.

17201. Work relief projects conducted pursuant to Section 17200, which consist of the work of repairing or maintaining any shipping facility or public building, shall not be subject to the competitive bidding provisions of Sections 25450 and following of the Government Code where the work is to be done entirely by indigents, except that those providing supervision need not be indigents. In counties employing a purchasing agent, the materials and supplies used in such a project may be purchased by the purchasing agent without limit and without the formality of obtaining bids, letting contracts, pre-

paring specifications, and the other formalities otherwise required by law.

CHAPTER 4. RELATIVES' RESPONSIBILITY

17300. All aid rendered by the county under this part shall be a charge against the spouse, parent, and adult child of the recipient thereof, and the county rendering aid shall be entitled to reimbursement therefor.

The board of supervisors of the county rendering aid shall determine if the spouse, parent, or adult child, or any of them, have financial ability to support or contribute to the support of the recipient and were pecuniarily able to support or contribute to the support of the recipient during the time aid was rendered. If in the opinion of the board of supervisors pecuniary ability existed when the aid was given, and exists when the matter comes before the board of supervisors, the board shall request the district attorney or other civil legal officer of the county granting aid to proceed against such responsible relative or relatives.

Upon such request, the district attorney or other civil legal officer shall maintain an action on behalf of the county granting aid against the relative or relatives to recover for the county the aid rendered and to secure an order requiring the payment of any sums which may become due in the future.

The board of supervisors shall, in the case of aid granted by institutional care, fix a reasonable charge therefor, which shall be the measure of reimbursement to the county, and the existence of the order fixing the charge shall constitute prima facie evidence of its reasonableness.

17301 In any case where a person so ordered to make such payments fails so to do, the court may by order require him to show cause for such failure, and may otherwise enforce the order to make such payments by such order or orders as in its discretion it deems necessary from time to time, and such order or orders may be modified, altered, or revoked at the discretion of the court.

CHAPTER 5. TERMINATION AND RECOVERY OF ASSISTANCE

17400. In any case in which a county has taken a lien against real property owned by a recipient of public assistance for any purpose, including hospitalization or medical care furnished to the recipient, and such lien is subordinate to a mortgage or deed of trust on the property, the county, upon learning of the pending sale of the property in connection with the foreclosure of that mortgage or deed of trust, shall notify the recipient if it has no intention of bidding at the sale or redeeming the property and agrees to subordinate its liens to any subsequent mortgage or deed of trust on the real property so long as the title thereto remains in the name of the recipient.

17401. No lien taken by a county pursuant to Section 17109 for care provided to a person in a county hospital shall be enforced against the home of that person (1) during his lifetime or that of his spouse, or (2) during the minority of his children if they reside in the home, or (3) during the lifetime of any dependent adult child who resides in the home and who is incapable of self-support because of mental or physical disability.

Any lien taken by a county for county hospital care shall be released immediately when the amount owing the county for that care is paid. The county shall render to a person to whom care has been provided in a county hospital a statement setting forth the charges upon which its claim for reimbursement is based. No interest or carrying charge shall be charged in connection with any debt incurred for county hospital care.

If a person against whose home a lien has been imposed for county hospital care desires to sell his home, the county shall release its lien against the original home and transfer it to the new home, provided that it finds that its security will not be impaired. If the person desires to borrow money for the purpose of making improvements to his home, using his home for security, the county shall subordinate its lien to the mortgage or other security interest given for the loan, if the county finds that its security will not be impaired.

No lien shall be taken pursuant to Section 17109 against the home of a person for care provided him in a county hospital, if he was confined to the county hospital as the result of a diagnosis of tuberculosis.

No lien shall be taken pursuant to this part against the home or other property of any relative, except for a parent of a minor or a spouse, liable for the support of a person confined in a county hospital or otherwise receiving aid under this part.

In no way do the authorizations and limitations expressed in this section enlarge upon the power of counties to take or impose liens under existing law. Nothing contained in this section shall be construed to permit a county to impose a lien for aid or other assistance granted under any public assistance program established by this code for which federal funds are received by this state, or under the aid to the potentially self-supporting blind program.

17402. If there is in the hands of any officer of the county, or there is surrendered to any officer of the county, upon the death of any indigent person, any personal property of a total of less than twenty-five dollars ($25) in value, belonging to such person, the board of supervisors of the county may, by resolution, order such property to be sold, and if the proceeds thereof do not exceed the sum of twenty-five dollars ($25), they shall be applied to the payment of the claim of the county against such person. If the value of such property or the proceeds received from its sale exceeds the sum of

twenty-five dollars ($25), or exceeds the indebtedness due to the county, such property or the proceeds of the sale thereof in excess of twenty-five dollars ($25), or the amount of the claims of the county, shall be delivered to the public administrator of the county or to any other legal representative of the deceased for administration.

17403. If a person for the support of whom public moneys have been expended acquires property, the county shall have a claim against him to the amount of a reasonable charge for moneys so expended, and such claim shall be enforced by action against him by the district attorney of the county on request of the board of supervisors. In a proper case therefor, the district attorney shall apply to the proper court for the appointment of a guardian of the person or estate, or both, of the indigent. The support of such indigent from public funds shall be deemed a ground for sale or encumbrance of his property under the provisions of Section 1530 of the Probate Code.

17404. From the proceeds of a sale or encumbrance of the property of such ward, or from such funds as may be collected from the property of the ward, there shall be paid to the county the expense of the support of the ward prior to collection, together with the subsequent expense of such support.

17405. Any estate, interest or lien in property transferred or granted to the board of supervisors under the provisions of Section 17109, or under the provisions of Section 9 of an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, may be reconveyed or released by them upon payment to the county of the amount of aid repayment of which is thereby secured or upon payment to the county of such amount as in the opinion of the board of supervisors equals the net amount which would be realized in the event that the lien was foreclosed or such estate or interest was sold at forced sale.

17406. Any estate, interest, or lien held by the board of supervisors under the provisions of Section 17109, or under the provisions of Section 9 of an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, may be subordinated by them to the lien of any mortgage or deed of trust given to renew or refinance any mortage, deed of trust, or other encumbrance, the lien or charge of which had priority over such estate, interest or lien.

17407. In any case in which the board of supervisors determines, after investigation, that the purposes of this part will be served by releasing or subordinating any lien in whole or in part or reconveying or subordinating in whole or in part any interest or estate transferred or granted to the board of supervisors under the provisions of Section 17109 or under the provisions of Section 9 of an act entitled "An act to provide for the aid and relief of indigents," approved June 5, 1933, and determines that the property affected by such lien, transfer or grant, except such interest or estate as may have

been conveyed to the county, is at the time owned by the recipient of aid, the board of supervisors may release such lien in whole or in part or may reconvey such interest or estate in whole or in part or may subordinate the lien, interest or estate so transferred or granted to it to one or more designated encumbrances executed by the recipient of aid, without consideration or for such consideration as the board may determine.

17408. The releases, reconveyances and subordinations herein provided for shall be authorized by a resolution of the board of supervisors, and the instruments of release, reconveyance, or subordination shall be executed by an officer of the county, designated by the board of supervisors, in the name of the county and the State of California, and any release, reconveyance or subordination authorized by the board of supervisors and executed by the designated county officer shall conclusively bind the county and the state in favor of any bona fide purchaser or encumbrancer for value.

17409. There shall be exempt from the transfers and grants authorized by Section 17109 and from attachment and execution on claims under Section 17403 against property acquired by persons for the support of whom public moneys have been expended all of the following property:

(a) Cash to the amount of fifty dollars ($50).

(b) Personal effects and household furniture to the value of five hundred dollars ($500).

(c) An interment space, crypt, or niche intended for the interment of the applicant or recipient of aid.

(d) Funds placed in trust for funeral or burial expenses to the extent that such funds do not exceed the sum of five hundred dollars ($500).

(e) Insurance policies having an actual cash surrender value of not to exceed five hundred dollars ($500).

(f) Real or personal property of a recipient of public assistance, with respect to aid or county hospital care granted after May 21, 1963.

No county shall withhold emergency medical or hospital care from any person pending his giving security for reimbursement to the county for the care or hospitalization to be provided to him.

PART 6. MISCELLANEOUS PROVISIONS

CHAPTER 1. WELFARE EMERGENCY FINANCING

18000. The purpose of this chapter is to provide for the continued operation of the state plans for aid to the aged, the blind, aid to the disabled, and families with dependent children in the event that federal assistance therefor is temporarily delayed or not available, without the changes and modifications in such plans provided for in this code as a consequence of the withdrawal of federal assistance for such aid from this state.

18001. As used in this chapter "joint public assistance" means aid to families with dependent children, aid to the aged, aid to the blind, and aid to the disabled, and "eligible recipient" means any person eligible for such joint public assistance.

18002. The Governor may, within 15 days prior to the commencement of any fiscal quarter or during any fiscal quarter, proclaim the existence of a period of welfare emergency, whenever he finds as facts all of the following:

(a) Assistance to this state for joint public assistance is provided for by the Federal Social Security Act or other federal legislation.

(b) This state has qualified to receive federal assistance for joint public assistance, and has not been notified that further payment of such federal assistance will not be made because of the failure of this state to comply with the requirements of the federal legislation.

(c) Federal assistance to this state for joint public assistance for the entire fiscal quarter has not been received, and it is improbable that such federal assistance will be received by this state prior to the usual time for transmitting such federal assistance to the counties of this state.

Any period of welfare emergency proclaimed by the Governor pursuant to this section shall commence on the date of the proclamation by the Governor, and shall continue until federal assistance is received by this state for joint public assistance for the first quarter following the date of the proclamation, or until the commencement of the second quarter following that date, whichever first occurs. In no event shall any period of welfare emergency continue for more than four calendar months, nor shall any subsequent period of welfare emergency be proclaimed unless federal assistance has been received by this state for each prior fiscal quarter commencing during any prior period of welfare emergency

18003. Out of any money in the State Treasury not otherwise appropriated, there is hereby appropriated each month to every county within this state for joint public assistance to eligible recipients, an amount, as estimated by the department, equal to the aggregate amount of federal assistance payable to this state under federal law for joint public assistance to eligible recipients within the county. This appropriation is in addition to any other appropriation to the counties of the state for joint public assistance or for any aid within the definition of joint public assistance.

Payment of the sums appropriated by this section shall be made in the manner provided by Chapter 9 of Part 3 of this code.

This section shall be operative only during periods of welfare emergency duly proclaimed by the Governor pursuant to Section 18002.

18004. The sums appropriated by Section 18003 shall be considered for all purposes to be "federal assistance" and

"grants-in-aid" from the United States government for aid to families with dependent children, aid to the aged, aid to the blind, and aid to the disabled, respectively, and shall not be considered to be state moneys or appropriations from the State Treasury. All such sums shall be subject to all of the provisions applicable to funds received by this state from the United States government, and all of the provisions of the chapters governing public assistance programs shall be construed and applied in every respect as if such funds had been in fact received by this state from the United States government. However, none of such sums shall be considered for any purpose to be federal assistance or grants for the cost of administering joint public assistance.

18005. Whenever federal assistance to this state for joint public assistance for any period of welfare emergency during which sums appropriated by Section 18002 have been expended is received by this state, any sums appropriated by Section 18002, which have theretofore been expended for joint public assistance pursuant to this chapter, shall be repaid to the state from the funds so received, and deposited in the General Fund in the State Treasury to the credit of the appropriation made by Section 18002.

CHAPTER 2. COUNTY BOARDS OF PUBLIC WELFARE

18100. In each county, except where county boards of public welfare or boards or officials with like powers are otherwise provided under a charter, the board of supervisors may, and upon the petition of 100 electors of the county shall, appoint seven persons, not more than four of whom shall be of the same sex, who shall constitute a county board of public welfare.

18101. The board of supervisors making the appointments shall designate one member to serve for one year, two for two years, two for three years, and two for four years, and upon the resignation or expiration of the term of each, his successor shall in like manner be appointed for the term of four years. Appointments to fill vacancies caused by death, resignation, or removal shall be made for the residue of such terms in the same manner as the original appointments.

18102. The members of the county board of public welfare shall serve without compensation, and no person shall be appointed or shall serve on such board who is in any manner officially connected with any charitable or correctional institution within the county and supported wholly or partly at public expense.

18103. The clerk of the board of supervisors shall notify each person appointed to the county board of public welfare of his appointment. Within one week after receiving the notice, the persons so appointed shall appear before a judge of the superior court and qualify by taking an oath faithfully to perform to the best of their ability the duties of members of the

county board of public welfare. Within one month after receiving such notice, they shall meet and organize by electing a chairman and a secretary from their own number. The secretary shall file a report of such organization, signed by himself and by the chairman, with the clerk of the board of supervisors, for the information of the board, and shall send a copy of the report to each state department having jurisdiction over any institution or function subject to supervision, inspection, or other control by the county board of public welfare.

18104. The board of supervisors shall appropriate and allow a sum, not exceeding fifty dollars ($50) each year, for the actual expenses of the county board of public welfare for stationery, blanks, postage stamps, traveling, and other necessary incidental expenses, presented and sworn to by its secretary, and approved by the board of supervisors.

18105. The county board of public welfare shall meet quarterly and as much oftener as it deems necessary. It may make such rules for the regulation of its own proceedings as it deems proper.

18106. Whenever the annual report of the board of public welfare to the board of supervisors shows that any member has been absent from two consecutive quarterly meetings, such member shall be deemed to have resigned from the board, and the board of supervisors shall thereupon fill the vacancy caused by such resignation as provided in Section 18101.

18107. At least once each quarter and as much oftener as it deems necessary, the board of public welfare, as a body or by committee, shall visit and inspect the county hospital, the county infirmary or relief home for the aged, and the county jail. As often as it deems proper, or as it is directed by the board of supervisors or by a judge of the superior court, the board shall visit and inspect, in like manner, each jail or lockup in the county, and any charitable or correctional institution in the county, which receives any support from county funds. It shall examine every department of each institution visited and shall ascertain its condition as to effective and economical administration, and the cleanliness, discipline, and comfort of its inmates. It shall carefully study the rules prescribed by the board of supervisors for the control of each county institution, and the suggestions offered by the state departments having jurisdiction over the respective institutions, and shall ascertain whether or not such rules are being complied with.

18108. The board of public welfare may make suggestions for improving the administration to the persons in charge of such county institutions, and may report to the board of supervisors, or to any other official having jurisdiction, any facts which the board believes such officials should know. If the board of public welfare or one of its committees finds in any institution any condition contrary to public policy and good order, or which it believes is injurious to the county or to the

inmates of the institution, it shall report such condition to the board of supervisors or to any other officials having jurisdiction, stating the facts observed and suggesting remedies.

18109. On or before the first Monday in March, June, September, and December of each year, the county board of public welfare shall make a report in writing to the grand jury of the county, if there is any, and if there is none, the board shall file the report with the district attorney who shall present it to the first grand jury thereafter constituted, as soon as impaneled and sworn. Annually on or before the first Monday in June of each year, the board shall present a report to the board of supervisors, which shall be filed as a public document with its clerk. In such annual report the county board of public welfare shall include a report of the attendance of each member of the board at each of its quarterly meetings.

18110. Whenever the county board of public welfare presents any report to the board of supervisors concerning an institution or function under the jurisdiction of any state department, it shall at the same time transmit a copy of such report to the state department having jurisdiction over the institution or function.

Chapter 3. County Demonstration Projects

18200. The Legislature recognizes the necessity to improve the administration of public assistance so as to minimize dependency and reduce the total costs of public welfare services by restorative and preventive measures, and to expand protective services for children and adults.

It is the intent of the Legislature in enacting this chapter to provide state assistance to counties to encourage them to establish demonstration and experimental projects calculated to achieve the objectives stated in this section and to strengthen, extend, and improve public welfare services and their administration.

18201. The department may authorize the payment of state funds to defray in whole or in part the cost of a project undertaken by the county department of any county or by the county departments of a group of counties or by the department in behalf of county departments generally, if the project is consistent with the purpose of this chapter and meets the criteria established pursuant to Section 18202. Any county shall meet at least the cost of equipment, supplies, and facilities required by the staff engaged in carrying out any project approved pursuant to this chapter, except that state funds may be used to defray the entire cost of any project which is undertaken by a group of counties or is directed by the department in behalf of county departments generally or is directed by a recognized institution of higher learning. To the extent this section authorizes the department or a recognized institution of higher learning to undertake and direct a project in behalf of county

departments, the provisions of Section 18202 shall not apply to such projects.

18202. The department shall develop and publish criteria for the submission and approval of county plans for projects proposed to be undertaken pursuant to this chapter. Such criteria shall be so devised as to encourage and stimulate local efforts to improve staff performance and to undertake new and experimental activities specifically designed to increase family responsibility and capacity for self-care.

In order to qualify for state participation in the cost of any local project or activity, the county shall submit a plan to the department, which shall provide the following assurances:

(1) The project or activity will be undertaken and directed by the county department.

(2) None of the state funds will be used to offset or reduce the amount of county funds currently applied to or budgeted for ongoing administrative activities and services.

(3) The employment of personnel with qualifications consistent with the disciplines required by the project.

(4) A system for maintaining records and methods of analyses which will permit accurate and regular evaluations of the results achieved by the project or activity.

18203. Among the projects approved by the department, priority shall be given to those which involve:

(a) Efforts to minimize as much as possible, within the limits of state and federal laws, the administrative differences between the several categories of assistance;

(b) Demonstrations in providing family service programs;

(c) Employment counseling, training, and placement programs for public assistance recipients;

(d) Extension of rehabilitation and self-care services for handicapped and incapacitated persons not accepted for services offered by the Department of Rehabilitation;

(e) Efforts designed to give particular attention to the family where dependency is associated with illegitimacy, parental behavior, delinquency, and other family relationship problems;

(f) Coordinated use of medical, psychiatric, and casework services with public assistance recipients;

(g) Development of caseload management and case classification programs;

(h) Homemaker services for families and adults;

(i) Protective services for both children and adults;

(j) Projects demonstrating use of preventive services related to dependency, family breakdown, or personal maladjustment; and

(k) Participation of county departments in community service programs, particularly in approaches to problems of the underprivileged presented by recipients from minority groups.

18204. To enable it to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients of public social services,

the department may waive the enforcement of specific statutory requirements, regulations, and standards in one or more counties or on a statewide basis by formal order of the director. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, shall not be general in scope but shall apply only for the duration of such a project and not to exceed three years, and shall not take effect unless and until the following conditions have been met:

a The Secretary of Health, Education and Welfare of the United States has agreed, for the same project, to waive the public assistance plan requirements relative to statewide uniformity.

b A comprehensive plan, including an analysis of the expected costs, has been published in a newspaper of general circulation and filed with the Rules Committee of each house of the Legislature

CHAPTER 4 PROTECTIVE SERVICES FOR CHILDREN

18250. The board of supervisors of any county may establish such programs as are deemed necessary to provide protective services for children, so as to insure that the rights or physical, mental, or moral welfare of children are not violated or threatened by their present circumstances or environment.

18251. As used in this part, "protective services" means social casework consultation and guidance on behalf of children who are in danger of the threatened existence of any of the conditions set forth in Section 600 of this code.

18252. The services authorized by this chapter may be provided and continued irrespective of the financial condition of the child or family concerned and irrespective of whether the child or the family of the child is otherwise a recipient of public aid or assistance.

18253. The administrative responsibility for conducting such programs as are established pursuant to this chapter may be delegated to such county department or departments as the board of supervisors may designate.

CHAPTER 5. CITIZENS' ADVISORY COMMITTEE ON AGING

18300. There is in the Health and Welfare Agency, to advise the Governor on the needs and problems of the senior citizens of California, a Citizens' Advisory Committee on Aging. The committee shall be composed of eight persons appointed by the Governor and selected on the basis of their demonstrated interest in the health, welfare, and happiness and the maintaining of adequate living standards for senior citizens in this state. The committee shall be advisory in character and shall not be delegated any administrative authority or responsibility beyond what is stated in this chapter. The Gover-

nor shall designate the chairman and vice chairman of the committee and committee members shall serve at the pleasure of the Governor. Committee members shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

18301. Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with and participate in the work of the 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 committee shall serve at the pleasure of the appointing power. For the purposes of this chapter, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

18302. The functions of the committee shall be:

1. To hold hearings on, and in other ways to study, all aspects of the problems of aging and to advise the Governor on action needed to solve these problems.

2. To assist and guide, by providing consultation to, the communities of the state in developing programs to meet the needs of their senior citizens.

3. To work closely with the pertinent departments and agencies of the state government to the end that the resources of the state shall be used as effectively and efficiently as possible in behalf of the senior citizens of California.

4. To act as a clearing house and information center on all aspects of aging. Such information shall be made available to state and local public agencies, voluntary organizations, churches, industry, labor, and all other interested persons and organizations.

18303. The committee 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, for improvements and additions to the existing efforts of state government on behalf of the senior citizens of California and to the ways the State of California could encourage and promote programs and services by local communities on behalf of their senior citizens.

18304. The committee may accept gifts and grants from any source, public or private, to assist it in the performance of its functions, and such gifts and grants shall operate to augment any appropriation made for the support of the committee.

CHAPTER 6. COMMUNITY SERVICES FOR OLDER PERSONS

18350. The purpose of this chapter is to promote local community activities which will further the efforts of older

persons, their families, religious groups, legislative bodies, public and voluntary social agencies, and related professions in providing for older persons an opportunity to remain active and contributing members in their community to the fullest extent possible.

18351. Funds appropriated by the Legislature or otherwise subject to expenditure for the purposes of this chapter shall be made available to local public agencies on a matching basis, but the state share of any project shall not exceed 50 percent of the funds expended in connection with that project. Local matching funds may be in the form of cash, facilities, or services on the basis of a local plan submitted to and approved by the Director of Social Welfare. The local plan shall be in the form of a contract setting forth the objectives of the plan and the responsibilities of the local organization. No plan shall be approved unless it is generally available to the older citizens of the community without discrimination because of race, religion, creed, color, national origin or ancestry.

18352. As used in this chapter:

(a) "Public agencies" means any city, county, or other political subdivision of this state.

(b) "Older person" means any person of the age of 50 years or older.

18353. The department shall formulate and promulgate criteria by which community projects are to be approved for matching funds. Such criteria shall be developed by consultation with recognized experts in the field, and interested groups or organizations shall be afforded full opportunity to be heard prior to their publication.

The Citizens' Advisory Committee on Aging, as established by Section 18300 of this code, shall serve in an advisory capacity to the Director of Social Welfare for the purpose of assisting in the establishment of criteria and evaluating proposals under which projects of local public agencies are to be approved as being eligible to receive matching state funds.

18354. The department shall include in its annual report an evaluative summary of the progress made in accomplishing the purpose of this chapter. Such report shall also include a synopsis of local projects submitted to the department for matching funds, showing the action taken in relation to them.

18355. In addition to any funds appropriated by the Legislature to carry out the provisions of this chapter, the department is authorized to receive and expend any private grants of funds made available by individuals, organizations, and foundations.

18356. The governing body of any city or county may construct or acquire facilities to serve as a community service or recreational center for senior citizens.

It is the intent of the Legislature that city and county governments, separately or jointly, should exercise their authority

to raise funds and to make full use of any state or federal funds which are now available or which may be made available in the future to expand the existing facilities which are dedicated to the recreational needs of the elderly. To the extent it is possible to solicit private contributions, either through direct community solicitation or through private foundation grants, those sources shall be used to supplement funds which may be obtainable through tax levies.

CHAPTER 7. UNIFORM TRANSFER OF DEPENDENTS ACT

18400. The department, subject to the approval of the Attorney General, may enter into reciprocal agreements with corresponding state agencies of other states regarding the interstate transportation of poor and indigent persons, and to arrange with the proper officials in this state for the acceptance, transfer, and support of persons receiving public aid in other states in accordance with the terms of such reciprocal agreements; provided, that this state shall not nor shall any county or other political subdivision of this state be committed to the support of persons who are not in the opinion of the department entitled to public support by the laws of this state.

18401. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

18402. This chapter may be cited as the Uniform Transfer of Dependents Act.

CHAPTER 8. RELIEF LAW OF 1945

Article 1. General Provisions

18450. This chapter shall be known and may be cited as the Relief Law of 1945.

18451. The provisions of this chapter (except the provisions of this section) are suspended and continue suspended from operation until the occurrence of an economic emergency in this state, which results from widespread hardship and destitution and necessitates immediate action for the relief of such hardship and destitution. No act shall be done nor power be exercised nor money be expended under or pursuant to such provisions until the occurrence of such an economic emergency has been determined as provided in this section.

Ascertainment and determination of the fact of the occurrence of such an economic emergency is committed to the Senate and Assembly and to the Governor. If and when the Senate and Assembly, by concurrent resolution filed with the Secretary of State, find and declare, and the Governor, by his proclamation filed with the Secretary of State, finds and declares, that there exists an economic emergency in this state, which results from widespread hardship and destitution and

necessitates immediate action for the relief of such hardship and destitution (the resolution and the proclamation, respectively, to contain a statement of the facts upon which the finding is based), such an economic emergency is determined to have occurred and to exist, and thenceforth all of the provisions of this chapter are fully operative.

18452. After the provisions of this chapter become operative, the provisions of Part 5 of this division, relating to county aid and relief to indigents, shall not apply to any person who receives or is eligible to receive relief under this chapter; but Part 5 is not repealed by this chapter, and shall continue in full force and effect in respect to persons not eligible to receive relief under this chapter.

18453. As used in this chapter, the terms defined in this article have the meanings set forth in this article.

18454 "Department" means the State Department of Social Welfare.

18455. "Aid" means state financial assistance to counties for the direct cost of relief and the cost of administration thereof.

18456. "Relief" means assistance in cash or in kind provided to individuals or families to relieve hardship and destitution.

Relief to a person includes relief to his dependents, but relief does not include hospital or medical care.

18457. In accordance with the provisions of this chapter, every county shall provide relief to needy persons who are residents of this state.

18458. For the purposes of this chapter, a resident of the state is a person who comes within all of the following descriptions:

(a) Who has lived continuously in the state for a period of one year preceding his application for relief.

(b) Who, during the one-year period, has not received any form of public assistance from any other state or political subdivision thereof.

(c) Who has not lost his residence by remaining away from this state for an uninterrupted period of one year. Absence from the state for labor or other special or temporary purpose does not occasion loss of residence.

18459 For the purposes of this chapter, a person who is a resident of the state is a resident of the county in which he has resided continuously for one year immediately preceding his application for relief.

18460. A county may incur all necessary expenses in transporting a nonresident applicant for or recipient of relief under this chapter to another state or county, when information at hand reasonably tends to show that the person has a legal residence in that state or county. The state shall reimburse the county for the full amount of the cost of such transportation.

Article 2. Administration

18470. The direct administration of this chapter shall be carried out by the boards of supervisors of the several counties, directly or through their authorized agents. The administration shall be supervised by the department.

18471. The department shall:

(a) Establish minimum and maximum standards for the amount and form of relief, on a budgetary basis, as provided in Sections 18472, 18473, and 18474.

(b) Establish standards of eligibility for relief, which shall be of uniform application throughout the state.

(c) Make investigations in relation to the administration of relief.

(d) Secure information and make reports thereon.

18472. The department shall from time to time fix for each county maximum and minimum relief case budgets within the range of which the board of supervisors may establish its own policies.

All budgets and standards shall be based upon need and minimum budgets shall be sufficient to maintain the recipient and his dependents in accordance with minimum living requirements as provided in Section 18473.

18473. In determining and redetermining budgets and standards, the department may give consideration to living costs and may establish budgets and standards varying in monetary worth or amount, but providing a standard of living compatible with decency and health.

18474. Relief may be granted in cash or in kind, but relief may be granted in kind only after the method has been approved by the department.

18475. All income received by a person or family, regardless of source, shall be considered in determining the amount of relief to be provided.

18476. In administering any funds appropriated or made available to the department for disbursement through the counties for relief purposes, the department shall:

(a) Require as a condition for receiving such grants-in-aid that the county shall bear the proportion of the total expense of furnishing relief required to be paid by the county under Section 18521.

(b) Establish rules and regulations, not in conflict with law, defining and controlling the conditions under which state aid may be granted or refused.

(c) Terminate any grants-in-aid to any county if the laws providing such grants, or the minimum standards prescribed by the department, are not complied with by the county or its officers or employees.

18477. If any county fails to comply with the provisions of this chapter or the rules and regulations or orders of the department for the administration of relief by the county under this chapter, the director of the department shall formally

notify the county of the particular respects in which it fails to comply with the law or the rules and regulations of the department, and of the changes which are necessary to effect full compliance. The county shall be allowed a reasonable time to effect compliance; if it fails to do so within such reasonable time, it shall be ordered to appear before the director to show cause, if it has any, for its failure to comply with the law or the rules and regulations of the department.

If a county is charged by the director with failure to comply with the law or the rules and regulations of the department, the county may demand a public hearing before the director. If a hearing is demanded, the director shall hold it promptly.

If the director finds that a county has failed to comply with the law or the rules and regulations of the department, and is unwilling or unable to make the changes necessary to effect full compliance, the director may withhold financial assistance for the direct and administrative costs of relief, or either, until the county complies.

18478. The department may operate the relief administration in any county after the denial of financial assistance to the county in accordance with the provisions of Section 18477, and the county proportion of the costs thereof shall be charged against the county and shall be a proper charge against the county. The department shall certify to the county auditor any amounts so charged against the county, the county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amounts so certified and due under the provisions of this section, and the county treasurer, at the time of the settlement with the state in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts due under the provisions of this section.

Article 3. Procedure

18490. Application for relief may be made to the county of which the applicant is a resident, or, in the case of an applicant who is a resident of the state but who is not a resident of any county, to the county in which the applicant is present.

18491. The board of supervisors of every county as a board, or by committee or by such person as it may authorize, shall investigate every application for relief under this chapter, shall supervise by periodic visitation every person receiving such relief, shall devise ways and means for bringing persons unable to maintain themselves to self-support, and shall keep full and complete records of such investigation, supervision, relief, and rehabilitation as shall be prescribed by the department.

Such records shall be confidential and shall not be open to examination or inspection, except by the grand jury of the county or by a board or an officer of the state or the county charged with the supervision or direction of such relief or with

the control of the expenditure of funds applicable to such relief.

Any citizen shall be entitled to demand and receive from the board, officer, committee, or person having custody of such records a statement of the amount, character, and value of the relief received by any person.

18492. Persons eligible for relief, who are residents of the state and residents of the county in which they apply for relief, shall be granted relief by the county of their residence, and the state shall pay to the county the state's share of the cost of the relief.

Persons eligible for relief, who are residents of the state but who are not residents of any county, shall be granted relief by the county in which they apply for relief, and the state shall pay to the county providing the relief the full cost of the relief provided, until such persons have remained in a county for the period necessary to acquire residence in that county.

18493. In case of dispute between two or more counties as to the responsibility for any person, or in case of dispute between a county and the department, either may appeal to the department for a hearing. The decision of the department is final.

18494. If any applicant or recipient is dissatisfied with the action of the board of supervisors, he shall, upon filing a petition with the department, have the right of appeal and shall be accorded an opportunity for a fair hearing The department shall set such appeal for hearing and shall give all parties concerned written notice of the time and place of the hearing. At the hearing, the applicant or recipient may appear in person with counsel of his own choosing or in person and without such counsel

The department shall consider the appeal and shall dismiss the appeal or award relief as prescribed in this chapter. The board of supervisors shall then pay to such person the sum awarded, if any, by the department.

Article 4. Eligibility

18500. Relief shall be provided only to persons who are in need, as determined by an investigation as prescribed by the department. Subject to the rules and regulations of the department, the county shall grant such emergency relief as may be necessary pending completion of the investigation.

18501. As a condition to the grant or continuance of relief, the county may require the recipient to perform work provided by the county. Such work shall not be or replace work which otherwise would be undertaken through private or public employment. All persons performing such work shall be paid the prevailing wage scale for work of a similar character performed in the county.

No state funds shall be used for material or supplies, or for nonrelief employment, on work programs.

18502. Persons who are eligible for aid to the aged under the Old Age Security Law, aid to the blind, aid to the disabled, or aid to families with dependent children (including the caretaker of such children), are not eligible for relief under this chapter.

18503. No person shall be considered a needy person who has made any voluntary assignment or transfer of property for the purpose of qualifying for relief, and any transfer of property, other than heirlooms, made without adequate consideration in money or property within a period of one year prior to making application for relief shall be presumed to have been made for the purpose of qualifying for relief.

18504. No person is eligible for relief who, being physically capable thereof, refuses suitable employment. The department shall define "suitable employment," but no person shall be required to accept work where a labor dispute exists.

Article 5 Responsibility for Repayment

18510. Relief granted to any person who is not entitled thereto under the provisions of this chapter shall constitute a debt of the recipient, to the amount of such relief, to the state and the county participating in the granting of such relief. Recovery may be had upon such debt out of any property of the recipient not exempt from execution.

Any money refunded under the provisions of this section shall be repaid to the state and the county in the proportion that each contributed to the relief granted.

18511. If the spouse, parent, or adult child of any recipient of relief is financially able to contribute to the support of the recipient, such relative is liable to reimburse the state and county for relief granted to the recipient to the extent of his financial ability so to do.

The board of supervisors of the county granting relief shall determine if the spouse, parent, or adult child has financial ability to support or contribute to the support of the recipient and was pecuniarily able to support or contribute to the support of the recipient during the time relief was provided to him. If, in the opinion of the board of supervisors, pecuniary ability existed when the relief was granted, and exists when the matter comes before the board of supervisors, the board shall request the district attorney or other civil legal officer of the county granting the relief to proceed against such responsible relative or relatives.

Upon such request, the district attorney or other civil legal officer shall maintain an action on behalf of the county granting relief against the relative or relatives to recover for the county the relief granted and to secure an order requiring the payment of any sums which may become due in the future.

All money collected by the county under the provisions of this section shall be credited to the state and the county in the proportion that each contributed to the relief granted.

Article 6. Payment of Relief Costs

18520. The provisions of this chapter providing for state payments to counties do not constitute appropriations of money from the State Treasury, and no provision of this chapter shall be construed to make an appropriation. No money shall be available for expenditure under this chapter until an appropriation for that purpose is made by the Legislature.

Any money appropriated to carry out the purposes of this chapter shall be deposited in, and disbursed from, the Relief Fund in the State Treasury, which fund is continued in existence.

18521. (a) Until the rate of county expenditure for the direct and administrative costs of welfare activities under this chapter exceeds, on a fiscal year basis determined not less frequently than quarterly, eight one-hundredths of 1 percent (.08%) of the total assessed valuation of the property subject to county taxation, the state shall not participate in the expenditure.

(b) With respect to county funds expended at a rate exceeding eight one-hundredths of 1 percent (.08%) of the total assessed valuation of the property subject to county taxation, but not exceeding twelve one-hundredths of 1 percent (.12%) thereof, the state shall pay each county eighty percent (80%) of such expenditures.

(c) With respect to county funds expended at a rate exceeding twelve one-hundredths of 1 percent (.12%) of the total assessed valuation of the property subject to county taxation, but not exceeding sixteen one-hundredths of 1 percent (.16%) thereof, the state shall pay each county ninety percent (90%) of such expenditures.

(d) With respect to county funds expended at a rate exceeding sixteen one-hundredths of 1 percent (.16%) of the total assessed valuation of the property subject to county taxation, the state shall pay each county ninety-five percent (95%) of such expenditures.

(e) The state shall pay to each county the full amount of the total costs of relief to persons who are residents of the state but who are not residents of any county.

18522. During such time as grants-in-aid are provided or made available by the United States government for either direct costs or administrative costs of welfare activities under this chapter, or both, the State Treasurer shall transfer the sums so granted to the Relief Fund. Of such sums, there shall be credited to the state an amount which bears the same proportion to the total of the sums so granted that the total state expenditure under this chapter during the period for which

the grants are made bears to the total of both state and county expenditures under this chapter during that period. The remainder of such sums shall be credited to the counties of the state, and the State Treasurer shall pay to each county therefrom an amount which bears the same proportion to the whole of such remainder that the county funds expended by that county under this chapter during the period bears to the total of all county funds expended by all counties under this chapter during the period.

18523 The method of computing and paying the amounts provided for in Sections 18521 and 18522 for each quarter shall be as follows:

(a) The department shall, prior to the beginning of each quarter, estimate the amount to be paid for such quarter to each county under the provisions of Sections 18521 and 18522, such estimate to be based on a report filed by each county containing (1) its estimate of the total sum to be expended in such quarter in accordance with the provisions of this chapter; (2) records showing the number of individuals (cases) estimated to be in need of relief during the ensuing quarter; and (3) such other information and investigation as the department may find necessary.

(b) The department shall then certify to the State Controller the amounts so estimated by it for each county, reduced or increased as the case may be, by any sum by which it finds that its estimate for any prior quarter was greater or less than the amount which should have been paid to the county under this chapter for such quarter.

(c) The State Controller shall thereupon draw the necessary warrants, and prior to audit or settlement by the department and the State Controller, the State Treasurer shall pay to the treasurer of each county the amount so certified.

Upon the order of the department, the amount approved for the quarter may be paid in monthly installments and, if paid in monthly installments, all necessary adjustments for the prior quarters shall be made by additions or deductions from the allowance for the first month of each new quarter or in the manner prescribed by the department.

18524. Reports of payments of relief and of payments for the cost of administration thereof made under this chapter shall be presented by the respective counties at times and in the form prescribed by the department.

Such reports shall be audited by the department and the State Controller and, when and in the amount approved, shall be allowed to the county as a credit to apply against advances made under the terms of Section 18523.

Chapter 9. State Programs for the Blind Other Than Public Assistance

Article 1. Coordinating Council on State Programs for the Blind

18600. There is established a Coordinating Council on State Programs for the Blind, the membership of such council to consist of the Director of Education, the Director of Rehabilitation, the Director of Social Welfare, and the Director of Public Health. The council shall consider and recommend policies for coordination of the various state programs for the adult blind, and for the coordination of the functions and programs of the various state departments insofar as such functions and programs affect the adult blind

18601. The council shall recommend policies to the various state departments, and shall make recommendations to the Legislature. The council shall report annually to the boards of Education and Public Health, the Department of Social Welfare, the Department of Rehabilitation, and to the Legislature.

18602. The council shall elect a chairman from among its membership, who shall be replaced at the end of six months by another member of the council, who in turn shall be replaced in six months by the third member of the council, who in turn shall be replaced in six months by the fourth member of the council. Upon the expiration of a six-month term for such fourth member of the council, the director from the department originally elected shall again become chairman, to be succeeded in turn in the same order at six-month intervals.

18603. The council may establish such interdepartmental committees as may be necessary to coordinate the programs of the four departments and advise the council on matters of general or specific interest. Persons appointed to the interdepartmental committees shall be employees of the respective Departments of Education, Rehabilitation, Public Health, and Social Welfare.

18604. The council shall meet quarterly, or on call of the chairman, and may invite other persons to attend its meetings in an advisory capacity, and may accept and act upon the advice and counsel of such persons

18605. The council may designate a secretary, who need not be a member of the council, but who shall be an employee of one of the four departments above mentioned.

18606. Expenses entailed in carrying out the functions of this chapter shall be borne by the respective departments incurring such expenses.

Article 2. Oakland Orientation Center for the Blind

18650 When in the opinion of the Director of Education and the Director of Finance it is no longer feasible to operate

the Oakland Orientation Center for the Blind as a residential facility for blind persons, who were residents of the Oakland Orientation Center on March 1, 1951, and as an orientation center for the blind, the Department of Education shall provide comparable services for blind residents and students of the orientation center program in other locations as may be deemed appropriate.

18651. Every blind person who was a resident of the Oakland Orientation Center for the Blind on March 1, 1951, who may be transferred to other facilities either public or private and who is unable to work, shall be considered as a beneficiary of the state in exercise of the power to assist the handicapped, and when he has no other source of income or support, shall receive not less than two dollars ($2) per week as aid for his personal needs. Such payments shall be made from funds appropriated for the support of the Department of Education.

The Director of Education may contract with public or private agencies for the proper care of all residents who may be transferred from the Oakland Orientation Center for the Blind to other public or private facilities. Payments for the support of all persons so transferred shall be made from funds appropriated for the support of the Department of Education.

All residents who are transferred to other facilities in accordance with Section 18650 shall be provided at the expense of the state with room, board, medical, dental and eye care, and such other services as may be deemed necessary by the Director of Education.

Article 3. California Industries for the Blind

18700. The Department of Education, with the approval of the Director of Finance, may establish, in such cities as it deems necessary, manufacturing centers and salesrooms to provide employment for blind and other physically handicapped persons and to give them opportunity for training and experience on the job, which will enable them to contribute to their own support. Such manufacturing centers and salesrooms shall be under the management and control of the Department of Education, and shall be known and designated as California Industries for the Blind.

18701. The Director of Education shall make and enforce all rules and regulations necessary to carry out the provisions of this article.

18702. The Department of Education shall provide suitable rooms or buildings to house the activities of California Industries for the Blind. For this purpose the Department of Education may rent suitable buildings or rooms, or, with the approval of the Director of General Services, may rent, lease, purchase or otherwise acquire land and construct, in accordance with law, or cause to be so constructed thereon, suitable building or buildings. It shall purchase all necessary and suitable equipment and materials. It shall provide for the

sale and terms of sale of all products manufactured by the workers thereof, provide for the employment of such other employees as it deems necessary, and do all necessary and proper acts to carry out the provisions of this article.

Whenever additional equipment, materials, or employees become necessary in order to provide greater facilities for the employment of more blind and physically handicapped persons in California Industries for the Blind, or to enlarge the economic opportunities of those blind and physically handicapped persons employed therein, the department shall purchase such additional equipment or materials, or both, and shall provide for the employment of such additional employees.

Upon proper representation by the Department of Education to the Department of General Services that any raw material used in the production of articles and commodities is in short supply, the Department of General Services may grant to the Department of Education an authorization to purchase such raw materials without prior approval by any other state agency. After making a purchase of any raw materials in short supply under such authorization, the Department of Education shall notify the Department of General Services of the purchase made and the cost thereof. The Department of General Services may determine when such raw materials are no longer in short supply and withdraw the authorization.

18703. The Department of Education may cause the raw materials, goods in process, finished products, and equipment necessary for the production thereof, of the California Industries for the Blind, wherever located, to be insured against any or all risks of loss.

The cost of such insurance shall be paid from the California Industries for the Blind Manufacturing Fund.

18704. Managers of the California Industries for the Blind shall be persons experienced in work for the blind and selected in accordance with the rules and regulations governing civil service, and blind persons qualifying for such positions shall not be discriminated against for appointment on account of blindness.

18705. Any blind person of suitable age, character, and qualifications, who has been a resident of the state for one year prior to his application for admission, and such other physically handicapped persons so qualified as it is practicable to be received therein, may be admitted for employment in any center of California Industries for the Blind. The rate of wages to be paid workers and the conditions of employment in the California Industries for the Blind shall be fixed by the Department of Education.

18706. Blind persons and other physically handicapped persons employed in California Industries for the Blind may authorize deductions to be made from their earnings, in accordance with the rules and regulations of the Director of Education, for the payment of premiums on any policy or cer-

tificate of group insurance issued to such persons insured under any plan of group insurance, including, but not limited to, group life insurance approved by the Controller and the Director of General Services.

18707. Blind persons and other physically handicapped persons employed by California Industries for the Blind are not inmates of a state institution or employed to be relieved from unemployment, but are employees of the state for all purposes other than Parts 1 and 2 of Division 5 of Title 2 of the Government Code.

18708. Blind persons and other physically handicapped persons employed by California Industries for the Blind shall be deemed to be employees of the state for the purposes of unemployment compensation insurance and unemployment compensation disability insurance.

Article 4. Institution Bids on Public Contracts

18750. The Department of Education may submit bids upon contracts to supply cities, counties, districts, or other public corporations of this state with materials and supplies manufactured at institutions for the blind under its jurisdiction, without accompanying any such bid with a bond or other security for performance.

18751. Bids so submitted shall be received on the same basis and accorded the same consideration as if they were accompanied by a bond or other security.

Article 5. Revolving Funds of State Institutions for the Blind

18800. All moneys received from the sale of products manufactured in the manufacturing departments of California Industries for the Blind shall be remitted at least once in every month to the State Treasurer for credit to, and shall become part of, the California Industries for the Blind Manufacturing Fund.

18801. There is in the State Treasury a permanent revolving fund to be known as the California Industries for the Blind Manufacturing Fund, to be administered by the Department of Education. The fund shall be used for the purchase of materials and purchase or rental of equipment needed in the manufacturing, fabricating, or assembly of products, and for the payment of salaries of blind workers engaged in such manufacturing, fabricating, or assembly at any state training center or industrial workshop for the blind operated under the jurisdiction of the Department of Education, and for the payment of employer and worker contributions, penalties and interest, with respect to the services of blind and physically handicapped workers, required under the Unemployment Insurance Code. The fund may be used for the payment of other costs of such manufacturing, fabricating, and assembly, the cost of ad-

ministration of the work program, and cost of distribution of products. The fund may also be used for the refund of overpayment to any person making such overpayment, whatever the amount, to California Industries for the Blind. Any amount due to any person for merchandise returned to the California Industries for the Blind for credit shall be deemed to be an "overpayment" within the meaning of this section.

The Controller shall transfer from the fund to the Old Age and Survivors Insurance Revolving Fund, from time to time, an amount sufficient to pay all costs incurred by the state in the administration of the Old Age and Survivors Insurance System as it affects blind and handicapped persons employed by California Industries for the Blind, and to pay, with respect to such person, the contributions required of an employer under the provisions of Section 3111 of the Internal Revenue Code of 1954.

Money hereafter received from the manufacture, fabrication, assembly, or distribution of products at any state training center or industrial workshop for the blind shall be paid to the State Treasurer monthly, and shall be credited to the California Industries for the Blind Manufacturing Fund.

Whenever, in the opinion of the Director of Education or the Director of Finance, the balance in the revolving fund herein created is greater than is necessary to carry out the purposes of this section, either shall so inform the State Controller and request a transfer of the unneeded balance from the revolving fund to the Genral Fund. The Controller may transfer such balance upon the request of the Director of Finance.

Article 6. Contracts for Assembly or Manufacture

18820. The Director of Education may, with the approval of the Director of General Services, enter into contracts with responsible private parties for the assembly or manufacture of products for such parties at institutions for the blind under the jurisdiction of the Department of Education.

Article 7. Sales to Blind

18840. Orders placed with the Department of Education by persons who are blind, for the purchase for resale of products manufactured or assembled at any center of California Industries for the Blind, shall be given priority as to delivery over orders placed by other persons.

18841. The prices charged blind persons in any trade level for such products shall not be higher than those charged other persons in the same trade level.

18842. In times of national emergency, as proclaimed by the President of the United States, the federal government may be given priority over all persons and over all other governmental entities as to delivery of orders placed with the

Department of Education for purchase of products manufactured or assembled by California Industries for the Blind.

18843. Notwithstanding any provision of this chapter to the contrary, the Director of Education may authorize the sale of raw materials from stock ordinarily maintained for use in manufacture and assembly in the training center for adult blind or in workshops for the blind, when the sale is to a blind person for his own use in manufacturing or in assembling, or to a manufacturing establishment in which at least 75 percent of the direct labor of production of such commodity, including preparation of material, processing, and packing, is performed by the blind in producing the commodity.

Article 8. Purchase of Blind-made Products

18850. The Department of Education shall determine the fair market price of all brooms and mops and other suitable commodities manufactured by and offered for sale to the state by California Industries for the Blind, and shall revise such prices from time to time in accordance with changing market conditions.

18851. All brooms and mops and other commodities which are manufactured by California Industries for the Blind and offered for sale at the fair market price as determined by the Department of Education, which meet the specifications required for such products, and which are to be procured by or for the state, shall be procured from California Industries for the Blind.

18852. Any city or county, political subdivision, or district of this state may, without advertising or calling for bids, purchase materials and supplies manufactured by California Industries for the Blind at the prices fixed therefor by the Department of Education.

It is the intent of the Legislature to encourage cities, counties, districts, and other political subdivisions to purchase products manufactured by California Industries for the Blind, whenever it is feasible for the political subdivision to do so and the proximity of the blind workshops makes such purchases reasonably convenient.

Article 9 Opportunity Work Center for the Blind

18870. The Department of Education, with the approval of the Director of Finance, may establish in such cities as it deems necessary opportunity centers and salesrooms for the employment of selected blind and physically handicapped persons. Such opportunity centers shall be under the management and control of the Department of Education, and shall be known as the opportunity work centers for the blind.

18871. It shall be the purpose of the opportunity work centers for the blind to provide such employment opportuni-

ties, as may be deemed necessary by the Department of Education, for blind adults and other physically handicapped persons who cannot, by reason of their handicap, physical condition, or personal desires, be employed on a regular basis in private industry or in a production center of the California Industries for the Blind operated by the Department of Education.

18872. For the purposes of this article, a person shall be considered blind who has 20/200 or less visual acuity in the better eye with correction, as measured by the Snellen test, or who has such limitation of field or other defect as to render him incapable of making a living with ordinary visual acuity.

18873. The Department of Education may provide employment opportunities for such blind and physically handicapped persons who indicate a desire to contribute to their own support through partial or full-time employment in an opportunity work center for the blind, through participation in the production of articles for sale in the local community, through the sales facilities of California Industries for the Blind, or through participation in assembly projects secured for the opportunity center from private business enterprises or from public agencies.

18874. Any blind person of suitable age, character, and qualifications, who is a resident of the State of California, and such other physically handicapped persons so qualified as it is practicable to receive therein, may be admitted for employment in any opportunity center upon approval of the Department of Education. The rate of wages to be paid workers and the conditions of employment in the opportunity work centers for the blind shall be fixed by the Department of Education.

18875. The Department of Education, with the approval of the Director of General Services, may:

(a) Rent, lease, or otherwise provide suitable rooms or buildings to house the activities of the opportunity centers for the blind.

(b) Employ such employees at the centers as it deems necessary.

(c) Perform all necessary and proper acts to carry out the provisions of this article.

18876. Blind persons and other physically handicapped persons employed in an opportunity work center may authorize deductions to be made from their earnings, in accordance with rules and regulations of the Director of Education, for the payment of premiums on any policy or certificate of group insurance issued to such persons insured under any plan of group insurance, including, but not limited to, group life insurance approved by the Controller and the Director of General Services.

18877. Blind persons and other physically handicapped persons employed in an opportunity work center shall be deemed employees of the state only for the purposes of workmen's compensation insurance.

18878. There is in the State Treasury a permanent revolving fund to be known as the Opportunity Work Center Revolving Fund, to be administered by the Department of Education. At the request of the Director of Education and the Director of Finance, the State Controller shall transfer to the fund from the California Industries for the Blind Manufacturing Fund moneys in quantities deemed by them necessary to carry out the operations of the fund.

The fund shall be used for the purchase of materials and supplies or for the purchase or rental of equipment needed in the manufacturing, fabricating, or assembly of products, and for the payment of salaries of blind workers and physically handicapped persons engaged in such manufacturing, fabricating, or assembly at any opportunity work center operated under the jurisdiction of the Department of Education. The fund may be used for the payment of the cost of distribution of products.

Money received from the manufacture, fabrication, assembly, or distribution of products at any opportunity work center shall be paid to the State Treasurer monthly, and shall be credited to the Opportunity Work Center Revolving Fund.

Whenever, in the opinion of the Director of Education or the Director of Finance, the balance in the revolving fund herein created is greater than is necessary to carry out the purposes of this section, either shall so inform the State Controller and request a transfer of the unneeded balance from the revolving fund to the General Fund. The Controller may transfer such balances upon the request of the Director of Finance.

SEC. 6. Section 1456 is added to the Health and Safety Code, to read:

1456. (a) In the interest of public health and safety the board of supervisors of any county which maintains a county hospital may by ordinance establish a hospital and safety commission. The commission shall be advisory to the board of supervisors.

(b) The commission shall exercise such powers and perform such duties relating to the administration of the county hospital as shall be prescribed by the ordinance. The commission shall further exercise such powers and perform such duties as shall be prescribed by the ordinance and which may include the following:

1. To promote safety among all county officers and employees and to develop a program of accident prevention.

2. To investigate all industrial, vehicular and all other accidents to county personnel and county equipment, including privately owned equipment operated by county personnel under contract with the county.

3. To hold hearings in the course of such investigation and to report to the board of supervisors upon all accidents reported to and investigated by the commission.

4. To recommend to the board of supervisors safety rules and regulations promoting the health and safety of all county

officers and employees and agents in the prosecution of their office or employment and their use of all equipment in the course of their duties as such officers, employees, and agents.

(c) The commission shall consist of either five or seven members who shall be appointed by the board of supervisors. No person holding any elective office shall be appointed to the commission. Members of the commission shall be residents of the county. Members shall be appointed in the manner prescribed by the ordinance and shall serve for such term as is prescribed therein; subject, however, to the power of the board of supervisors to remove any member of the commission at any time by three-fifths vote of the board.

(d) The members of the commission shall serve with or without compensation as prescribed by the ordinance. If compensation is authorized by the ordinance, it shall not exceed ten dollars ($10) per member for each meeting of the commission.

(e) Members of the commission may, when and if so provided in the ordinance, receive actual and necessary expenses in traveling from their place of residence to the place of meeting of the commission, and return, and such expenses shall be a proper charge upon the county; provided, however, that in no event shall any charge be made upon the county for any expense incurred by any member for any meal eaten at any meeting of the commission.

(f) Meetings of the commission shall be held in accord with the provisions of Chapter 9 (commencing at Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.

(g) The provisions of Section 54954 of the Government Code notwithstanding, any meeting of the commission shall be held only in a public building of the county and within the county in which such commission is established.

(h) The ordinance establishing the commission shall specifically prescribe the following:

(1) The name of the commission;

(2) The functions and duties thereof;

(3) Number of members, method of appointment and term of members;

(4) A statement of whether or not payment of compensation to members of the commission is authorized and, if authorized, a statement of the amount of such compensation and the maximum number of meetings of the commission in any one calendar month for which such compensation may be paid;

(5) A statement of whether or not traveling expenses are authorized and, if authorized, a statement of the rate which will be allowed for mileage.

(6) Subject to the limitations prescribed by this section, such ordinance may contain such additional provisions as the board of supervisors may deem expedient for the proper administration of the affairs of the commission.

(i) Any ordinance of any county establishing a hospital or a safety commission enacted prior to the effective date of

this section is hereby validated provided that the provisions of the ordinance substantially comply with the limitations and authorizations set forth in this section; provided expressly, however, that any such hospital or safety commission created by ordinance enacted prior to the effective date of this section shall cease to exist at the close of the 60th day following the effective date of this section, and no hospital or safety commission established by any such ordinance, or established in any other manner whatever, shall continue to exist or function thereafter in any county unless and until such hospital or safety commission is established by ordinance under the provisions of this section

SEC. 7. Section 1457 is added to said code, to read:

1457. The Department of Public Health shall prescribe forms of record for the use of the superintendents of county hospitals and almshouses in keeping the records of persons received into or discharged from such institutions.

Books of record for the records so prescribed may be printed at the expense of the department and furnished to such county hospitals and almshouses at the cost thereof.

The superintendent in charge of any county hospital or almshouse shall keep the records prescribed by the department as fully and completely as possible, and any such superintendent who willfully neglects and fails to keep the records thus prescribed is guilty of a misdemeanor.

SEC. 8. Section 1458 is added to said code, to read:

1458. The board may provide a farm in connection with the county hospital or almshouse and may make regulations for working the same.

CHAPTER 1785

An act to add Section 3251 to the Education Code, relating to school district governing boards.

[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 3251 is added to the Education Code, to read:

3251. After the effective date of this section, the plans and recommendations formulated by the county committee may, in connection with the proposed formation of a new unified school district to include within its boundaries a chartered city the boundaries of which will not be coterminous with those of the unified district, provide that the establishment and existence of the governing board of the district shall be governed exclusively by general law and not by the charter of the city. Upon adoption of plans and recommendations containing such provision, the establishment and existence of the governing

board of the district shall thenceforth be governed exclusively by the general law and the board shall not be a city board of education of a chartered city, any provisions of Chapter 5 (commencing with Section 1201) of Division 4 to the contrary notwithstanding.

CHAPTER 1786

An act to amend Section 402 of, and to add Section 601.5 to, 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 402 of the Unemployment Insurance 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.

A vacancy shall be filled by the Governor, subject to the approval of the Senate, by appointment for the unexpired term.

SEC. 2. Section 601.5 is added to said code, to read:

601.5. For the purpose of this division only, "employment" includes any service in an artistic or literary capacity performed by an individual pursuant to a collective bargaining agreement between an employer and a labor organization in the motion picture, radio or television industry where the employer has the right to control and direct the services to be performed and the individual is defined as an employee under the terms of the collective bargaining agreement.

CHAPTER 1787

An act authorizing the Director of General Services to dispose of property belonging to the state.

[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 Director of General Services is hereby authorized to transfer to the County of Contra Costa and to convey to said county all of the state's rights, title and interest in not to exceed 10 acres of land in, or in the vicinity of, the City of Concord and in not to exceed 10 acres of land in, or in the vicinity of, the City of Richmond, upon which land is or

will be situated the two units of the Contra Costa County 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 County of Contra Costa to operate a program for the mentally retarded within the center for at least 10 years and, in the event the county ceases to do so within such 10-year period, to require the county to reimburse the state for the cost of the land acquisition and construction of the two units 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.

CHAPTER 1788

An act to amend Section 61121 of, and to add Section 61802 to, the Government Code, relating to community services districts, 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 61121 of the Government Code is amended to read:

61121. The election shall be held not less than 75 days nor more than 90 days from the date of the final hearing on the formation petition, except that in any area declared by the Governor to be a disaster area because of the December 1964 floods such election shall be held not less than 10 days nor more than 90 days from the date of such hearing.

SEC. 2. Section 61802 is added to said code, to read:

61802. An annexation ordinance may provide for and be made subject to a condition that the owners of the land to be annexed make payment for sewage and water facilities, whether existing or to be constructed, which can be, or will be, used for the benefit of property other than that which is to be annexed. The board may by contract with the owners of the land to be annexed agree to reimburse the owners for such sewage and water facilities. Such contract may provide that in order to make such reimbursement the district may collect from any person using such sewage and water facilities, and from any owners of land subsequently annexing to the district, a reasonable connection, use, or annexation fee for such use or annexation. If the contract so provides, the board may collect from any person using such sewage and water facilities, and from any owners of land subsequently annexing to the

district, a reasonable connection, use, or annexation fee for such use or annexation.

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:

Due to the destruction caused by the December, 1964, floods, there are currently many projects which are pending. In order that services can be completely restored to the areas affected by the floods, it is essential that this act take effect immediately.

CHAPTER 1789

An act to repeal Section 26502 of, and to add Section 26502 of, the Vehicle Code, relating to brakes.

[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 26502 of the Vehicle Code is repealed.

SEC. 2. Section 26502 is added to said code, to read:

26502. (a) Airbrakes of every motor vehicle and combination of vehicles shall be so adjusted and maintained as to be capable of providing full service brake application at all times except as provided in subdivision (b) of Section 26311. A full service brake application shall deliver to all brake chambers not less than 90 percent of the air reservoir pressure remaining with the brakes applied.

(b) The department may by regulation authorize the use of special devices or systems to automatically reduce the maximum air pressure delivered to the brake chambers in order to compensate for load variation and to obtain balanced braking. Permitted systems shall be of the fail safe type and shall not increase the vehicle stopping distance.

CHAPTER 1790

An act to add Section 23428.12 to the Business and Professions 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 23428.12 is added to the Business and Professions Code, to read:

23428.12 For purposes of this article "club" also means any nonprofit social and religious club which has more than

50 bona fide members, and owns or leases, operates and maintains a club room or rooms for its membership, and has operated the club room or rooms for a period of not less than 10 years, and has regular membership dues of not less than twenty-five dollars ($25) per year per member.

The provisions of Section 23399 shall not apply to such a club.

CHAPTER 1791

An act to amend Section 3352 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 3352 of the Labor Code is amended to read:

3352. "Employee" excludes:

(a) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.

(b) Any person engaged in vending, selling, offering for sale, or delivering directly to the public, any newspaper, magazine, or periodical where the title thereto has passed to the person so engaged.

(c) Any person performing services in return for aid or sustenance only, received from any religious, charitable or relief organization.

(d) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his own convenience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his services as such deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private person employing him for injury occurring in the course of and arising out of such employment.

(e) Any convict whose labor is used by the State Highway Commission on state highways or roads.

(f) Any person engaged in household domestic service except as provided in Section 3358.5.

(g) Any person performing voluntary services at or for a recreational camp, hut or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101 (6) of the Internal Revenue Code, of which he or a member of his family is a member and who receives no compensation for such services other than meals, lodging or transportation.

(h) Any person engaged as a part-time gardener in connection with a private dwelling; provided, the number of hours

devoted to such work for any individual does not regularly exceed 44 hours per month. This exclusion is operative only as to his employment by the owner or occupant of such a private dwelling, and does not deprive any such part-time gardener from recourse under this division against any other person employing him for injuries occurring in the course of and arising out of the employment.

(i) Any person performing voluntary service as a ski patrolman who receives no compensation for such services other than the use of ski tow or ski lift facilities.

(j) Any person, other than a regular employee, participating in sports or athletics who receives no compensation for such participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings or other expenses incidental thereto.

CHAPTER 1792

An act to amend Section 29102 of the Government Code, relating to district tax rates.

[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 29102 of the Government Code is amended to read:

29102. Unless otherwise provided by law, the authority and duties of the county board of supervisors with respect to the fixing of tax rates and the levying of taxes prescribed in this article shall have application to school districts and to special districts, or zones or improvement districts thereof, whose affairs and finances are not under the supervision and control of the county board of supervisors but for which a tax levy is carried on the regular county assessment roll.

If the assessed value of the taxable property in a special district on the unsecured roll exceeds the assessed value of the taxable property on the secured roll, the special district tax rate which is fixed by the board for the secured roll shall be adjusted to an amount which the board determines will meet the estimated annual revenue requirements of the district for both the current and the next succeeding year.

CHAPTER 1793

An act to amend Section 6878 of the Public Resources Code, relating to administration of tidelands and submerged lands granted to counties, cities and political subdivisions.

[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 6878 of the Public Resources Code is amended to read:

6878. Nothing in this chapter limits the effect of any grant of tide or submerged lands made prior to June 11, 1938, to any city, county or other political subdivision, nor in any manner to prejudice whatever claim the state, on the one hand, or such city, county or political subdivision, on the other, may have in or to the right to extract or authorize the extraction of oil or gas or other minerals underlying such lands.

Notwithstanding any provision to the contrary herein, no city, county or political subdivision to which the state has granted tide or submerged lands without reserving minerals shall enter into any lease or agreement for the extraction of oil, gas or other hydrocarbons from such tide and submerged lands within any area described in subdivisions (a) through (e), inclusive, of Section 6871.2 of this code, or from tide and submerged lands along the coast of the Pacific Ocean south of the northerly city limits of the City of Newport Beach in Orange County to the southerly boundary of the state until the State Lands Commission has made findings in accordance with the provisions of Section 6872 of this code regarding any lands within any area described in subdivisions (a), (c), (d) and (e) of Section 6871.2 of this code, or has made findings in accordance with the provisions of Section 6872.1 of this code regarding any lands within the area described in subdivision (b) of Section 6871.2 of this code, or has made findings in accordance with the provisions of Section 6872 of this code regarding any tide or submerged lands along the coast of the Pacific Ocean south of the northerly city limits of the City of Newport Beach in Orange County to the southerly boundary of the state.

Provided further that any lease or agreement for the extraction of oil and gas or other hydrocarbons from such granted tide or submerged lands authorized to be entered into by a county, city or political subdivision after necessary findings are made by the State Lands Commission as heretofore provided shall be in accordance with the provisions of Section 6872.1 of this code in respect to any lands within the area described in subdivision (b) of Section 6871.2 of this code, and shall be in accordance with the provisions of Section 6872.2 of this code in respect to any tide or submerged lands

along the coast of the Pacific Ocean south of the northerly city limits of the City of Newport Beach in Orange County to the southerly boundary of the state.

CHAPTER 1794

An act to amend Section 12206 of the Government Code, relating to filing fees.

[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 12206 of the Government Code is amended to read:

12206. Unless another fee is specified by law or the law specifies that no fee is to be charged, the fee for acceptance of copies of process against a corporation, firm, partnership, association, business trust or natural person is five dollars ($5) for each corporation, firm, partnership, association, business trust or natural person upon whom service is sought.

CHAPTER 1795

An act to amend Sections 15480, 15481 and 15484 of the Government Code, to amend Section 210 of the Financial Code, to amend Sections 10005 and 10050 of the Business and Professions Code, and to amend Section 12906 of the Insurance Code, relating to governmental organization.

[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 15480 of the Government Code is amended to read:

15480. There is in the State Government a Department of Investment. The department is under the control of a Board of Investment made up of the Superintendent of Banks, the Commissioner of Corporations, the Insurance Commissioner, the Real Estate Commissioner and the Savings and Loan Commissioner. The department and the board shall exercise only such functions as are specifically set forth in this chapter.

SEC. 2. Section 15481 of said code is amended to read:

15481. The names of the governmental units, the heads of which make up the membership of the Board of Investment are the State Banking Department, the Division of Corporations, the Department of Insurance, the Division of Real Estate, and the Division of Savings and Loan.

SEC. 3. Section 15484 of said code is amended to read:

15484. The board shall meet quarterly at a place in Sacramento, San Francisco or Los Angeles to be designated from time to time by the director, and its members shall then, at such times as the Governor may require, make reports of their work to the board.

SEC. 4. Section 210 of the Financial Code is amended to read:

210. The chief officer of the State Banking Department is the Superintendent of Banks. His office is a continuance of the office of Superintendent of Banks brought into being by Chapter 76 of the Statutes of 1909. He is the head of the department and, except as otherwise provided in this code, is subject to the provisions of the Government Code relating to department heads. He is one of the members of the Board of Investment and is a member of the Governor's Council but need not reside in Sacramento

SEC. 5. Section 10005 of the Business and Professions Code is amended to read:

10005. "Division" has reference to the State Real Estate Division in the Department of Investment.

SEC. 6. Section 10050 of said code is amended to read:

10050. There is in the Department of Investment a State Real Estate Division, the chief officer of which division is named the Real Estate Commissioner.

SEC. 7. Section 12906 of the Insurance Code is amended to read:

12906. The governmental agency unit heretofore known as the Division of Insurance of the Department of Investment is hereby designated the Department of Insurance and is not a part of the Department of Investment. The Department of Insurance remains under the control of the Insurance Commissioner to the same extent as it was under his control prior to the taking effect of this section. The change in name and removal from the Department of Investment of the governmental agency unit heretofore known as the Division of Insurance, effected by this section, shall not affect in any manner the deputies or employees of such governmental agency unit and their employments and positions are hereby expressly continued in existence. The Insurance Commissioner shall remain one of the members of the Board of Investment and is not a head of a department within the meaning of Sections 1061 and 11151 of the Government Code.

CHAPTER 1796

An act to amend Sections 10237.1 and 10237.25 of the Business and Professions Code, relating to the regulation of real property securities dealers.

[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 10237.1 of the Business and Professions Code is amended to read:

10237.1. The term real property security as used in this article means:

(a) An investment contract made in connection with the sale of a single promissory note secured directly or collaterally by a lien on real property or a single real property sales contract wherein the real property securities dealer or his principal agrees to do or implies that he will do any of the following:

1. Guarantee the note or contract against loss at any time, or
2. Guarantee that payments of principal or interest will be paid in conformity with the terms of the note or contract, or
3. Assume any payments necessary to protect the security of the note or contract, or
4. Accept, from time to time, partial payments toward the purchase of the note or contract, or
5. Guarantee a specific yield or return on the note or contract, or
6. Pay with his own funds any interest or premium for a period prior to actual purchase and delivery of the note or contract, or
7. Pay with his own funds any money after the note or contract falls into arrears, or
8. Repurchase the note or contract.

(b) One of a series of promotional notes secured by liens on separate parcels of real property in one subdivision or in contiguous subdivisions.

(c) One of a series of real property sales contracts pertaining to separate parcels of real property in one subdivision or in contiguous subdivisions, all of which are executed by one person or persons associated together as owners. As used in this subsection, the term "real property sales contract" does not include a contract executed more than three years prior to being offered for sale.

Performance of services in connection with loans or promissory notes secured directly or collaterally by a lien on real property or a real property sales contract, as agent for and at the direction of the lender, borrower, or purchaser, including but not limited to the payment of taxes, insurance premiums or costs of foreclosure, if all such costs (excluding routine office expenses) of such services are paid by or payable by bor-

rower, lender or purchaser shall not be construed to be an investment contract as defined in subdivision (a) of this section, or as a security for the purposes of the Corporate Securities Act.

As used in this section "promotional note" means a promissory note secured by a trust deed executed on unimproved real property, or executed after construction of an improvement of the property but before the first sale of the property as so improved, or executed as a means of financing the first purchase of the property as so improved, and which is subordinate or which by its terms may become subordinate to any other trust deed on the property; provided that the term "promotional note" does not include (i) a note which was executed in excess of three (3) years prior to being offered for sale or (ii) a note secured by a first trust deed on real property in a subdivision, which evidences a bona fide loan made in connection with the financing of the usual costs of the development of a residential, commercial, or industrial building or buildings on the property under a written agreement providing for the disbursement of the loan funds as costs are incurred or in relation to the progress of the work and providing for title insurance insuring the priority of the security as against mechanic's and materialmen's liens or for the final disbursement of at least 10 percent of the loan funds after the expiration of the period for the filing of mechanics' and materialmen's liens.

The term real property security does not include any bond or debenture or note which is one of a series of notes of equal priority secured by an interest in the same real property.

SEC. 2. Section 10237.25 of said code is amended to read:

10237.25. The sale to pension, retirement or similar trust funds, to corporations, to institutional lending agencies, to real estate broker licensees, to general building contractor licensees, or to attorneys shall not be deemed a sale to the public for the purpose of this article.

CHAPTER 1797

An act to amend Sections 6602, 6621, 6650, 6657, 6658, 6659, 6660.5, 6664, 6700, 6700.5, 6701, 6702, 6720, 6721, 6724, 6726, 6726.5, 6727, 6734, 6735, 7003, 7005, 7007, 7008, 7009, 7012, 7013, 7014, and 7015 of, and to amend and renumber the heading of Part 6 (commencing with Section 7600) of Division 6 of, and to add Division 5 (commencing with Section 4000) to, and Sections 6501 and 7002 to, and to repeal Chapter 2 (commencing with Section 150) of Division 1, Article 2 (commencing with Section 6552) of Chapter 1 of, and Chapter 5 (commencing with Section 7100) of, Part 4 of Division 6, and Part 5 (commencing with Section 7500) of Division 6, and Sections 6500.5, 6501, 6502, 6503, 6503.1, 6503.2, 6503.3, 6503.4, 6504, 6505, 6506, 6507, 6508, 6509, 6510, 6511, 6512, 6513, 6514, 6515, and 7002 of the Welfare

and Institutions Code, and to amend Section 5599 of the Welfare and Institutions Code as added by Chapter 391 of the Statutes of 1965, relating to the Department of Mental Hygiene.

[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 (commencing with Section 150) of Division 1 of the Welfare and Institutions Code is repealed.

SEC. 2. Division 5 (commencing with Section 4000) is added to said code, to read:

DIVISION 5. STATE DEPARTMENT OF MENTAL HYGIENE

PART 1. GENERAL PROVISIONS

CHAPTER 1. GENERAL ADMINISTRATION, POWERS AND DUTIES OF THE DEPARTMENT

4000. There is in the Health and Welfare Agency a Department of Mental Hygiene

4001 As used in this part:

(a) "Department" means the Department of Mental Hygiene.

(b) "Director" means the Director of Mental Hygiene.

4002. As used in this code and in every other statute heretofore, or hereafter enacted, the term "Department of Institutions" shall be construed to refer to and mean the Department of Mental Hygiene.

4003. As used in this code and in every other statute heretofore, or hereafter enacted, the term "Director of Institutions" shall be construed to refer to and mean the Director of Mental Hygiene.

4004. The department is under the control of an executive officer known as the Director of Mental Hygiene.

4005. The director shall be appointed by and hold office at the pleasure of the Governor. The director shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code. Before entering upon the duties of his office the director shall execute an official bond to the State of California in the penal sum of twenty-five thousand dollars ($25,000), conditioned upon the faithful performance of his duties.

4006 With the approval of the Department of General Services and for use in the furtherance of the work of the State Department of Mental Hygiene, the director may accept any or all of the following:

(a) Grants of interest in real property.

(b) Grants of money received by this state from the United States, the expenditure of which is administered through or under the direction of any department of this state.

(c) Gifts of money from public agencies or from persons, organizations, or associations interested in scientific, educational, charitable, or mental hygiene fields.

4007. The department may expend in accordance with law all money now or hereafter made available for its use, or for the administration of any statute administered by the department.

4008. The department may expend money in accordance with law for the actual and necessary travel expenses of officers and employees of the department who are authorized to absent themselves from the State of California on official business

For the purposes of this section and of Sections 11030 and 11032 of the Government Code, the following constitutes, among other purposes, official business for said officers and employees for which such officers and employees shall be allowed actual and necessary traveling expenses when incurred either in or out of this state upon approval of the Governor and Director of Finance:

Attending meetings of any national association or organization having as its principal purpose the study of matters relating to administration of institutions, and care and treatment of mentally ill, mentally retarded, or other institutional patients; conferring with officers or employees of the United States or other states, relative to problems of institutional care, treatment or management; and obtaining information therefrom, which information would be useful in the conduct of institutional, psychiatric, medical, and similar activities of the Department of Mental Hygiene.

4009. The department may appoint and fix the compensation of such employees as it deems necessary, subject to the laws governing civil service.

4010. Except as in this chapter otherwise prescribed, the provisions of the Government Code relating to state officers and departments shall apply to the Department of Mental Hygiene.

4011. The Department of Mental Hygiene has jurisdiction over the execution of the laws relating to the care, custody, and treatment of mentally ill persons, mentally retarded persons and other incompetent persons, as provided in this code.

As used in this part, "establishment" and "institution" include every hospital, sanitarium, boarding home, or other place receiving or caring for any of the persons enumerated in this section.

4012. The Department of Mental Hygiene may:

(a) Disseminate educational information relating to the prevention, diagnosis and treatment of mental illness, mental disorder, or mental retardation.

(b) Upon request, advise all public officers, organizations and agencies interested in the mental health of the people of the state.

(c) Conduct such educational and related work as will tend to encourage the development of proper mental hygiene facilities throughout the state.

The department may organize, establish and maintain community mental hygiene clinics for the prevention, early diagnosis and treatment of mental illness, retardation or disorder. Such clinics may be maintained only for persons not requiring institutional care, who voluntarily seek the aid of such clinics. Such clinics may be maintained at the locations in the communities of the state designated by the director, or at any institution under the jurisdiction of the department designated by the director.

The department may establish such rules and regulations as are necessary to carry out the provisions of this section. This section does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

4013. Within the limits of available funds it is the intent of the Legislature that the department shall require all personnel working directly with patients to complete, within a reasonable time after the effective date of this section or after their appointments, whichever is later, or have completed, training with regard to the care and treatment of such patients.

4014. In order to assure an adequate number of qualified psychiatrists, physicians and surgeons, psychologists, nurses, social workers, laboratory and other technicians, and ancillary workers, the department shall negotiate with any or all of the following: the University of California, the state colleges, the junior colleges, private universities and colleges, and public and private hospitals, and arrange such affiliations or make such contracts for educational or training programs and award training grants or stipends as may be necessary. Arrangements may be made in the hospitals and clinics operated by the department for the clinical experience essential to such educational and training programs, and positions in the department as interns and residents may be established.

4015. The department shall examine all public and private hospitals, boarding homes or other establishments whether or not licensed by the department, receiving or caring for the mentally ill, the mentally retarded, or other incompetent persons, and shall inquire into their methods of government, and the treatment of all patients thereof.

It shall examine the condition of all buildings, grounds, or other property connected with such institutions, and shall inquire into all matters relating to their management. For the purposes specified in this paragraph the department shall have free access to the grounds, buildings, and books and papers of any such institution, and every person connected therewith shall give such information and afford such facil-

ities for examination or inquiry as the department requires.

4016. In every place in which persons alleged to be mentally ill are detained pending inquiry into the state of their mental health, and in each state hospital, and in each licensed private psychopathic institution, the persons confined therein shall be permitted access to and examination or inspection of copies of Division 6 of the Welfare and Institutions Code.

4017. The department shall make such regulations in regard to the correspondence of the patients in custody in such institutions as in its judgment will promote their interests. Such regulations shall be complied with and enforced by the proper authorities of each institution. No restriction shall be placed upon the correspondence of such patients with the superior judge or the district attorney of the county from which such patients were committed or admitted to such institutions.

4018. The department shall adopt, for all hospitals, rules and regulations, books of record for all departments, blank forms for clinical records and other purposes, questions for examination of employees, and questions for examination, in all the different branches of medicine and surgery and especially in the subject of diseases affecting the brain and nervous system, of all officers and internes, for the special use of the hospital.

4019. The department shall keep in its office a record showing the following facts concerning each patient in custody in the several institutions for the care and treatment of the mentally ill and other incompetent persons in the state:

(a) Name, residence, sex, age, place of birth, occupation, and civil condition.

(b) The date of commitment, and the respective names and residences of

(1) the person who made the petition for commitment,

(2) the persons who signed the medical certificate, and

(3) the judge who made the order of commitment.

(c) The name of the institution in which he is confined, the date of his admission thereto, and whether he was brought from his home or from another institution. If he was brought from another institution, the record shall show also the name of that institution, by whom he was brought therefrom and his condition.

(d) If discharged, the date of discharge, to whose care he was committed, and whether recovered, improved, unimproved, or not mentally ill.

(e) If transferred, for what cause the transfer was made, and to what institution.

(f) If dead, the date and cause of death.

4020. The department may inquire into the manner in which any mentally ill or mentally retarded or other incompetent person not confined in a state hospital, is cared for and maintained. If, in its judgment, any such person is not properly and suitably cared for, it may apply to a judge of the

superior court for an order to commit him to a state hospital under the provisions of this code. Such order shall not be made unless the judge finds, and certifies in the order, that such person is not properly or suitably cared for by his relatives or guardian, or that it is dangerous to the public to allow him to be cared for and maintained by such relatives or guardian.

4021. When the department has reason to believe that any person held in custody as mentally ill, mentally retarded or incompetent is wrongfully deprived of his liberty, or is cruelly or negligently treated, or that inadequate provision is made for the skillful medical care, proper supervision, and safekeeping of any such person, it may ascertain the facts. It may issue compulsory process for the attendance of witnesses and the production of papers, and may excercise the powers conferred upon a referee in a superior court. It may make such orders for the care and treatment of such person as it deems proper.

Whenever the department undertakes an investigation into the general management and administration of any establishment or place of detention for the mentally ill, mentally retarded, or other incompetents, it may give notice of such investigation to the Attorney General, who shall appear personally or by deputy, to examine witnesses in attendance and to assist the department in the exercise of the powers conferred upon it in this code.

The department may at any time cause the patients of any county or city almshouse to be visited and examined, in order to ascertain if mentally ill or incompetent persons are kept therein.

4022. When complaint is made to the department regarding the officers or management of any hospital or institution for the mentally ill, mentally retarded or other incompetents, or regarding the management of any person detained therein or regarding any person held in custody as mentally ill or incompetent, the department may, before making an examination regarding such complaint, require it to be made in writing and sworn to before an officer authorized to administer oaths On receipt of such a complaint, sworn to if so required, the department shall direct that a copy of the complaint be served on the authorities of the hospital or institution or the person against whom complaint is made, together with notice of the time and place of the investigation, as the department directs.

4023. The department shall biennially report to the Legislature its acts and proceedings for the two years ending the June 30th last preceding, with such facts regarding the management of the institutions for the mentally ill and mentally retarded and other incompetents as it deems necessary for the information of the Legislature, including estimates of the amounts required for the use of such hospitals and the reasons therefor, and including annual reports for each state hospital.

4024. The department shall report to the Legislature the prospective needs for the care, custody, and treatment of the mentally ill and mentally retarded and other incompetent persons, together with its recommendations therefor. For the purpose of preventing overcrowding, it shall recommend such plans for the development of additional medical facilities as, in its judgment, will best meet the requirements of such persons.

CHAPTER 2. ADMINISTRATION OF STATE INSTITUTIONS

Article 1. Jurisdiction and General Government

4100. The department has jurisdiction over the following institutions:

Agnews State Hospital.
Atascadero State Hospital.
Camarillo State Hospital.
DeWitt State Hospital.
Fairview State Hospital.
Mendocino State Hospital.
Modesto State Hospital.
Napa State Hospital.
Metropolitan State Hospital.
Pacific State Hospital.
Patton State Hospital.
Porterville State Hospital.
Sonoma State Hospital.
Stockton State Hospital.
The Langley Porter Neuropsychiatric Institute.
Neuropsychiatric Institute, U.C L A. Medical Center.

4101. Except as otherwise specifically provided elsewhere in this code, all of the institutions under the jurisdiction of the Department of Mental Hygiene shall be governed by uniform rule and regulation of the Department of Mental Hygiene and all of the provisions of this chapter shall apply to the conduct and management of such institutions.

4102. Each state hospital is a corporation.

4103. Each such corporation may acquire and hold in its corporate name by gift, grant, devise, or bequest property to be applied to the maintenance of the patients of the hospital and for the general use of the corporation.

4104. All lands necessary for the use of state hospitals except those acquired by gift, devise, or purchase, shall be acquired by condemnation as lands for other public uses are acquired.

The terms of every purchase shall be approved by the Department of Mental Hygiene No public street or road for railway or other purposes, except for hospital use, shall be opened through the lands of any state hospital, unless the Legislature by special enactment consents thereto.

4105. Notwithstanding the provisions of Section 4104, the Director of General Services, with the consent of the Department of Mental Hygiene, may grant rights-of-way for road purposes over and across state property comprising the site of the Sonoma State Hospital, upon such terms and conditions as the Director of General Services may deem to be for the best interests of the state.

4106. The Director of General Services shall grant to the County of San Bernardino under such terms, conditions, and restrictions as he deems to be for the best interests of the state, the necessary easements and rights-of-way for all purposes of a public road on the Patton State Hospital property. The right-of-way shall be across, along, and upon the following described property:

The east 40 feet of the east one-half of the northwest one-quarter of Section 32, Township 1 North, Range 3 West, San Bernardino Base and Meridian, in the County of San Bernardino, State of California.

4107. The Director of General Services shall transfer to the Department of Public Works of the State of California under such terms, conditions and restrictions as he deems to be for the best interests of the state, the necessary easements and right-of-way for all purposes of a state highway on the Agnews State Hospital property. The right-of-way shall be across, along and upon the following described property:

All that real property in the County of Santa Clara, State of California, described as:

A portion of that certain 118-acre parcel of land, situate in the Rancho Rincon de Los Esteros, described in the Deed of Trust recorded in Book 687, at page 50, Official Records of Santa Clara County, more particularly described as follows:

COMMENCING at the northwesterly corner of said Parcel; thence along the Southerly line of the existing State highway in Santa Clara County, Road IV-SCl-113-A, N. 74°49'08" E., 2018.23 feet; thence N. 14°33'52" W., 33.00 feet to the center line of said State highway; thence along said center line N. 74°49'08" E., 1117.32 feet to the general easterly line of said Parcel; thence along last said line S. 15°10'52" E., 95.00 feet, from a tangent that bears N. 81°39'12" W., along a curve to the left with a radius of 203.99 feet, through an angle of 76°23'40", an arc length of 271.99 feet and S. 21°57'08" W., 68.90 feet to a line parallel with and distant 83.00 feet southerly measured radially from the "A_3" Line of the Department of Public Works Survey for the State freeway in Santa Clara County Road IV-SCl-113-A; thence along said parallel line from a tangent that bears S. 77°03'12" W., along a curve to the left with a radius of 3917 00 feet, through an angle of 2°14'04", an arc length of 152.76 feet and S. 74°49'08" W., 1746.04 feet; thence S. 73°01'07" W., 704.53 feet to a line parallel with and distant 275 00 feet easterly, at right angles from the general westerly line of aforesaid 118 Acre parcel of

land; thence along last said parallel line S. 6°22'52" E., 250.30 feet; thence S. 9°08'55" W., 556.89 feet; thence S. 5°26'26" E., 253.18 feet; thence S. 14°31'51" E., 176.27 feet to the general Southerly line of said Parcel; thence along said general Southerly line N. 89°37'51" W., 72.44 feet to the aforesaid general Westerly line of said Parcel; thence along last said line N. 14°31'51" W., 527.64 feet, and N. 6°22'52" W., 843.44 feet to the point of commencement.

CONTAINING 17.216 acres, more or less in addition to 0.846 of an acre more or less within the adjoining public way.

This transfer shall be for the purposes of a freeway and the grantor shall release and relinquish to the Department of Public Works any and all abutter's rights of access, appurtenant to the Agnews State Hospital's remaining property, in and to said freeway, over and across the courses described above with lengths of 152.76 feet, 1746.04 feet, 704.53 feet and 250.30 feet, and over and across the northerly 206.89 feet of the course described above with the length of 556 89 feet.

The bearings and distances used in the above description are on the California Co-ordinate System, Zone 3.

4108 Notwithstanding Section 4104 of the Welfare and Institutions Code, the Director of General Services with the consent of the Department of Mental Hygiene, may grant a right-of-way for road purposes to the City of Stockton over and along a portion of the Stockton State Hospital property adjacent to Harding Way upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services may be for the best interests of the state.

The Director of General Services under the same conditions may grant a right-of-way for road purposes to the County of Orange over a portion of the Fairview State Hospital property adjacent to Harbor Boulevard.

4109. The Department of Mental Hygiene has general control and direction of the property and concerns of each state hospital. The department shall:

(a) Take care of the interests of the hospital, and see that its purpose and its bylaws, rules, and regulations are carried into effect, according to law.

(b) Establish such bylaws, rules, and regulations as it deems necessary and expedient for regulating the duties of officers and employees of the hospital, and for its internal government, discipline, and management.

(c) Maintain an effective inspection of the hospital.

4110. The medical superintendent shall make triplicate estimates, in minute detail, as approved by the Department of Mental Hygiene, of such supplies, expenses, buildings, and improvements as are required for the best interests of the hospital, and for the improvement thereof and of the grounds and buildings connected therewith. These estimates shall be submitted to the Department of Mental Hygiene, which may revise them. The department shall certify that it has carefully

examined the estimates, and that the supplies, expenses, buildings, and improvements contained in such estimates, as approved by it, are required for the best interests of the hospital. The department shall thereupon proceed to purchase such supplies, make such expenditures, or construct such improvements or buildings in accordance with law.

4111. The state hospitals may manufacture supplies and materials necessary or required to be used in any of the state hospitals which can be economically manufactured therein. The necessary cost and expense of providing for and conducting the manufacture of such supplies and materials shall be paid in the same manner as other expenses of the hospitals No hospital shall enter into or engage in manufacturing any supplies or materials unless permission for the same is obtained from the Department of Mental Hygiene. If, at any time, it appears to the department that the manufacture of any article is not being or cannot be economically carried on at a state hospital, the department may suspend or stop the manufacture of such article, and on receipt of a certified copy of the order directing the suspension or stopping of such manufacture, by the medical superintendent, the hospital shall cease from manufacturing such article

4112. All money belonging to the state and received by state hospitals from any source, except appropriations, shall, at the end of each month, be deposited in the State Treasury, to the credit of the General Fund. This section shall not apply to the funds known as the industrial or amusement funds.

4113. The state hospitals and the officers thereof shall make such financial statements to the Controller as the Controller requires.

4114. The authorities for the several hospitals shall furnish to the Department of Mental Hygiene the facts mentioned in Section 4019 of this code and such other obtainable facts as the department from time to time requires of them, with the opinion of the superintendent thereon, if requested. The superintendent or other person in charge of a hospital shall, within 10 days after the admission of any person thereto, cause an abstract of the medical certificate and order on which such person was received and a list of all property, books, and papers of value found in the possession of or belonging to such person to be forwarded to the office of the department, and when a patient is discharged, transferred, or dies, the superintendent or person in charge shall within three days thereafter, send the information to the office of the department, in accordance with the form prescribed by it.

4115. The department may permit, subject to such conditions and regulations as it may impose, any religious or missionary corporation or society to erect a building on the grounds of any state hospital for the holding of religious services. Each such building when erected shall become the property of the state and shall be used exclusively for the benefit of the patients and employees of the state hospital.

4116. The department may establish and supervise under its rules and regulations training schools or courses for employees of the department or of state institutions under its jurisdiction.

4117. Whenever a trial is had of any person charged with escape or attempt to escape from a state hospital under the provisions of Section 5522, whenever a hearing is had on the return of a writ of habeas corpus prosecuted by or on behalf of any person confined in a state hospital, whenever a hearing is had on a petition under Section 1026a of the Penal Code or Section 6732 of this code for the release of a person confined in a state hospital, and whenever a person confined in a state hospital is tried for any crime committed therein, the county clerk of the county in which such trial or hearing is had must make out a statement of all costs incurred by the county for investigation and other preparation for the trial or hearing, and the actual trial or hearing, all costs of maintaining custody of the patient and transporting him to and from the hospital, and costs of appeal, which statement shall be properly certified by a judge of the superior court of such county and sent to the Department of Mental Hygiene for its approval After such approval, the department shall cause the amount of such costs to be paid out of the money appropriated for the support of the state hospital, to the county treasurer of the county where such trial or hearing was had.

4118. The Department of Mental Hygiene shall cooperate with the United States Bureau of Immigration in arranging for the deportation of all aliens who are confined in, admitted, or committed to any state hospital.

4119. The Department of Mental Hygiene shall investigate and examine all nonresident persons who are confined in, admitted, or committed to any state hospital for the mentally ill or mentally retarded, and shall cause such persons, when found to be nonresidents as defined in this chapter, to be promptly and humanely returned under proper supervision to the states in which they have legal residence The department may defer such action by reason of a patient's medical condition.

For the purpose of facilitating the prompt and humane return of such persons the Department of Mental Hygiene may enter into reciprocal agreements with the proper boards, commissions, or officers of other states or political subdivision thereof for the mutual exchange or return of such persons confined in, admitted, or committed to any state hospital in one state whose legal residence is in the other, and it may in such reciprocal agreements vary the period of residence as defined in this chapter to meet the requirements or laws of the other states.

The department may give written permission for the return of any resident of this state confined in a public institution in another state, corresponding to any state hospital for the mentally ill or to any state home for the mentally deficient of

this state. When a resident is returned to this state pursuant to this chapter, he may be delivered to any institution of the department as designated by the Director of Mental Hygiene. Such person shall be admitted by the superintendent of the institution for care and treatment for a period not exceeding seven days during which time the person shall be released at the earliest possible time or committed in accordance with law.

4120. In determining residence for purposes of being entitled to hospitalization in this state and for purposes of returning patients to the states of their residence, an adult person who has lived continuously in this state for a period of one year and who has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state shall be deemed to be a resident of this state. A minor is entitled to hospitalization in this state if the parent or guardian having custody of the minor has lived continuously in this state for a period of one year and has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state. Such parent or guardian shall be deemed a resident of this state for the purposes of this section, and such minor shall be eligible for hospitalization in this state as a mentally ill person. The eligibility of such minor for hospitalization in this state ceases when such parent or guardian ceases to be a resident of this state and such minor shall be transfered to the state of residence of the parent or guardian in accordance with the applicable provisions of this code. Time spent in a public institution for the care of the mentally ill or mentally retarded or on leave of absence therefrom shall not be counted in determining the matter of residence in this or another state.

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States.

4121. All expenses incurred in returning such persons to other states shall be paid by this state, the person or his relatives, but the expense of returning residents of this state shall be borne by the states making the returns.

The cost and expense incurred in effecting the transportation of such nonresident persons to the states in which they have residence shall be advanced from the funds appropriated for that purpose, or, if necessary, from the money appropriated for the care of delinquent, or mentally ill, mentally retarded or incompetent persons upon vouchers approved by the State Board of Control.

4122. The Department of Mental Hygiene, when it deems it necessary, may, under conditions prescribed by the director, transfer any patients of a state institution under its jurisdiction to another such institution. Transfers of patients of state hospitals shall be made in accordance with the provisions of Section 6700.

The expense of any such transfer shall be paid from the moneys available by law for the support of the department or for the support of the institution from which the patient is transferred. Liability for the care, support, and maintenance of a patient so transferred in the institution to which he has been transferred shall be the same as if he had originally been committed to such institution. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state for care, support, and maintenance of any such patients or inmates and which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

4123. The Director of Mental Hygiene may authorize the transfer of persons from any institution within the department to any institution authorized by the federal government to receive such person.

4124. The Department of Mental Hygiene shall send to the Department of Veterans Affairs whenever requested a list of all persons who have been patients for six months or more in each state institution within the jurisdiction of the department and who are known to have served in the armed forces of the United States.

4125. The superintendent of any state institution under the jurisdiction of the Department of Mental Hygiene may deposit any funds of patients in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of General Services, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in bonds of the State of California, or in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged and for the purposes of deposit or investment only may mingle the funds of any patient with the funds of other patients. The superintendent may deposit the interest or increment accruing on such funds in a special fund, to be designated the "Benefit Fund," of which he shall be the trustee. He may expend the moneys in any such fund for the education or entertainment of the patients of the institution.

4126. Whenever any patient in any state institution subject to the jurisdiction of the Department of Mental Hygiene dies, and any personal funds or property of such patient remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative, all money and other personal property of such decedent remaining in the custody or possession of the superintendent thereof shall be held by him for a period of one year from the date of death of the decedent, for the benefit of the heirs, legatees, or successors in interest of such decedent.

Upon the expiration of said one-year period, any money remaining unclaimed in the custody or possession of the superintendent shall be delivered by him to the State Treasurer for deposit in the Unclaimed Property Fund under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of said one-year period, all personal property and documents of the decedent, other than cash, remaining unclaimed in the custody or possession of the superintendent, shall be disposed of as follows:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of the decedent;

(b) All other personal property shall be sold by the superintendent at public auction, or upon a sealed bid basis, and the proceeds of the sale delivered by him to the State Treasurer in the same manner as is herein provided with respect to unclaimed money of the decedent. If he deems it expedient to do so, the superintendent may accumulate the property of several decedents and sell the property in such lots as he may determine, provided that he makes a determination as to each decedent's share of the proceeds;

(c) If any personal property of the decedent is not salable at public auction, or upon a sealed bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify the deposit of such property in the State Treasury, the superintendent may order it destroyed;

(d) All other unclaimed personal property of the decedent not disposed of as provided in paragraphs (a), (b), or (c) hereof, shall be delivered by the superintendent to the State Controller for deposit in the State Treasury under the provisions of Article 1 of Chapter 6 of Title 10 of Part 3 of the Code of Civil Procedure.

4127. Whenever any patient in any state institution subject to the jurisdiction of the Department of Mental Hygiene escapes, or is discharged or is on leave of absence from such institution, and any personal funds or property of such patient remains in the hands of the superintendent thereof, and no demand is made upon said superintendent by the owner of the funds or property or his legally appointed representative, all money and other intangible personal property of such patient, other than deeds, contracts, or assignments, remaining in the custody or possession of the superintendent thereof shall be held by him for a period of seven years from the date of such escape, discharge, or leave of absence, for the benefit of such patient or his successors in interest; provided, however, that unclaimed personal funds or property of minors on leave of absence may be exempted from the provisions of this section during the period of their minority and for a period of one year thereafter, at the discretion of the Director of Mental Hygiene.

Upon the expiration of said seven-year period, any money and other intangible property, other than deeds, contracts, or assignments, remaining unclaimed in the custody or possession of the superintendent shall be subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure.

Upon the expiration of one year from the date of such escape, discharge, or parole:

(a) All deeds, contracts or assignments shall be filed by the superintendent with the public administrator of the county of commitment of such patient;

(b) All tangible personal property other than money, remaining unclaimed in his custody or possession, shall be sold by the superintendent at public auction, or upon a sealed bid basis, and the proceeds of the sale shall be held by him subject to the provisions of Section 4125 of this code, and subject to the provisions of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure. If he deems it expedient to do so, the superintendent may accumulate the property of several patients and may sell the property in such lots as he may determine, provided that he makes a determination as to each patient's share of the proceeds;

If any tangible personal property covered by this section is not salable at public auction or upon a sealed bid basis, or if it has no intrinsic value, or if its value is not sufficient to justify its retention by the superintendent to be offered for sale at public auction or upon a sealed bid basis at a later date, the superintendent may order it destroyed.

4128. Before any money or other personal property or documents are delivered to the State Treasurer, State Controller, or public administrator, or sold at auction or upon a sealed-bid basis, or destroyed, under the provisions of Section 4126, and before any personal property or documents are delivered to the public administrator, or sold at auction or upon a sealed-bid basis, or destroyed, under the provisions of Section 4127, of this code, notice of said intended disposition shall be posted at least 30 days prior to the disposition, in a public place at the institution where the disposition is to be made, and a copy of such notice shall be mailed to the last known address of the owner or deceased owner, at least 30 days prior to such disposition. The notice prescribed by this section need not specifically described each item of property to be disposed of.

4129. At the time of delivering any money or other personal property to the State Treasurer or State Controller under the provisions of Section 4126 or of Chapter 7 of Title 10 of Part 3 of the Code of Civil Procedure, the superintendent shall deliver to the State Controller a schedule setting forth a statement and description of all money and other personal property delivered, and the name and last known address of the owner or deceased owner.

4130. When any personal property has been destroyed as provided in Sections 4126 or 4127, no suit shall thereafter be

maintained by any person against the state or any officer thereof for or on account of such property.

4131. Notwithstanding any other provision of law, the provisions of Sections 4126 and 4127 shall apply (1) to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of said sections, which would have been subject to the provisions thereof if they had been in effect on the date of such delivery; and (2) to all money and other personal property delivered to the State Treasurer or State Controller prior to the effective date of the 1961 amendments to said sections, as said provisions would have applied on the date of such delivery if, on said date of delivery, the provisions of Chapter 1809, Statutes of 1959, had not been in effect.

4132. It is hereby declared that the provisions of this code reflect the concern of the Legislature that mentally ill persons are to be regarded as patients to be provided care and treatment and not as inmates of institutions for the purposes of secluding them from the rest of the public.

Whenever any provision of this code heretofore or hereafter enacted uses the term "inmate," it shall be construed to mean "patient."

4133. Any day hospitals and rehabilitation centers maintained by the Department of Mental Hygiene shall be subject to the provisions of this code pertaining to the admission, transfer, and discharge of patients at the state hospitals, except that all admissions to such facilities shall be subject to the approval of the chief officer thereof. Charges for services rendered to patients at such facilities shall be in accordance with schedules fixed by the director. The liability for such charges shall be governed by the provisions of Article 5 (commencing at Section 6650) of Chapter 1 Part 4 of Division 6 of this code, except at the hospitals for the mentally retarded such liability shall be governed by the provisions of Article 3 (commencing at Section 5250) of Chapter 8 of Part 1 and Chapter 3 (commencing with Section 7000) of Part 4 of Division 6 of this code.

Article 2. Boards of Trustees and Other Advisory Boards

4200. Each state hospital under the jurisdiction of the Department of Mental Hygiene has a board of five trustees appointed by the Governor with the consent of the Senate, each of whom holds office for the term of four years. Any trustee is subject to removal by the Governor, upon good cause shown and opportunity to be heard.

4201. No person is eligible to the office of trustee who is a member of the Legislature or an elective state officer, and if he becomes such after his appointment his office is thereby vacated. If any trustee fails to attend three consecutive regular meetings of the board, unless he is ill or absent from the state,

his office becomes vacant, and the board, by resolution, shall so declare, and shall forthwith transmit a certified copy of such resolution to the Governor.

4202. The boards of trustees of the several state hospitals are advisory boards to the Department of Mental Hygiene with power of visitation and advice only in respect to the conduct of the several institutions. The members of the boards shall serve without compensation other than necessary expenses incurred in the performance of duty. They shall meet once every three months and at such other times as they are called by the head of the department. No expenses shall be allowed except in connection with meetings so held.

4203. The Langley Porter Neuropsychiatric Institute and the Neuropsychiatric Institute, U.C.L.A. Medical Care shall each have an advisory board of five persons appointed by the Governor, each of whom holds office for the term of four years. Such boards shall advise and consult with the department with respect to the conduct of the several facilities. The members of the board shall serve without compensation other than necessary expenses incurred in attendance at meetings Such boards shall be concerned with those phases of operations which are the responsibility of the Department of Mental Hygiene. They shall not be concerned with reference to affairs of the university.

Article 3. Officers and Employees

4300. As used in this article, "resident officers" of a state hospital means:

(a) The superintendent and medical director.

(b) The assistant physicians.

(c) The business manager.

(d) The superintendent of nursing services.

4301. The director may appoint, define the duties of, and, subject to the laws governing civil service, fix the salary of, the superintendent and medical director of each institution mentioned in Section 4100.

4302. The Department of Mental Hygiene may determine what employees shall be employed at any state hospital according to the needs and objects of the hospital.

4303. At the request of one or more employees of any institution within the department, the department may, at its option, provide, within the grounds of the institution, meals and subsistence for employees who do not reside within the institution, or living facilities, meals and subsistence for employees who reside within the institution. The department may make a reasonable charge for all facilities taken by or furnished to employees, to be determined by the State Board of Control, and to be deducted from the salary of the employee No employee shall be compelled to eat his meals at the institution, nor shall he be charged for meals or facilities not furnished to or taken by him. No employee shall be discriminated

against in any manner whatsoever because he elects to eat his meals outside the institution grounds.

The provisions of this section apply only to those employees who are not officers and who receive gross salaries as specified by the salary scales of the State Personnel Board, and do not apply to those employees who are officers of an institution or who receive a cash salary plus maintenance for self and family as provided by the salary scales of the State Personnel Board.

4304. Salaries of resident and other officers and wages of employees shall be included in the estimates and paid in the same manner as other expenses of state hospitals.

4305. As often as a vacancy occurs in a hospital under the control of the Director of Mental Hygiene, he shall appoint, as provided in Section 4301 of this code, a superintendent and medical director, who shall be a graduate of an incorporated medical college, and a well-educated physician, of good moral character, who has had not less than three years' experience in the care and treatment of the mentally ill or of the mentally retarded.

The appointment of any person as superintendent and medical director shall not be effective for any purpose unless such person has passed, or shall pass, an examination touching his qualifications in all the different branches of medicine and surgery, and especially in diseases affecting the brain and nervous system.

4306. The medical superintendent of each hospital is its chief executive officer. In his absence or sickness the first assistant physician or other medical officer designated by the medical superintendent, or by the Department of Mental Hygiene, shall perform his duties and be subject to his responsibilities.

4307. The full title of the chief executive officer of each hospital is "Superintendent and Medical Director" of the hospital. Wherever in this code or in any provision of statute heretofore or hereafter enacted "superintendent" and "medical superintendent" are used in reference to the chief executive officer of a state hospital for the mentally ill or mentally retarded, they shall be construed to refer to and mean the "Superintendent and Medical Director" of the institution.

4308. Subject to the rules and regulations established by the department, the medical superintendent has general superintendence of all buildings, together with their furniture, fixtures, and stock, and the direction and control of all persons therein. He shall personally maintain an effective supervision and inspection of all parts of the hospital, and generally direct the care and treatment of the patients. He shall visit all the wards for patients at such times as the rules and regulations of the hospital prescribe.

4309. The medical superintendent shall:

(a) Give such orders and instructions as he deems best calculated to insure good conduct, fidelity, and economy in every department of labor and expenses, and shall maintain salutary

discipline among all who are employed in the institution, and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital.

(b) Cause full and fair accounts and records of the entire business and operations of the hospital to be kept regularly, from day to day, in books or forms provided for that purpose. He shall see that all such accounts and records are fully up to the last day of June in each year, and that the principal facts and results, with his report thereon, are presented to the department within 30 days thereafter

(c) Keep a book, in which he shall cause to be entered at the time of reception of any patient, his name, residence, and occupation, the date of his reception, by whom he was brought and by what authority, on whose petition he was committed, and an abstract of all orders, warrants, requests, petitions, certificates, and other papers accompanying him.

4310. The superintendent shall also exercise general supervision over the kitchen and all food supplies, and see that the food is properly cooked and served.

4311. The superintendent and medical director may establish rules and regulations, not inconsistent with law, for the government of the hospital buildings and grounds. Any person who knowingly or willfully violates such rules and regulations may, upon the order of the superintendent, be ejected from the buildings and premises of the hospital

4312 The business manager, under the direction of the superintendent, shall:

(a) Be accountable for the careful keeping and economical use of all furniture;

(b) Make all purchases for the hospital according to the provisions of Section 4111 of this code, receive the same, and preserve the original bills and receipts therefor, and keep full and accurate accounts of all such proceedings;

(c) Have control of the farm, livestock, grounds, and all outside departments;

(d) Receive all supplies and see that they are the articles ordered and of proper weight and quality, and reject those that are below the standard adopted;

(e) Receive all products of farm and garden, and keep true and accurate books and accounts of such products and all supplies and materials under his supervision.

4313. The business manager, under the direction of the superintendent, shall preserve the peace in the hospital buildings and grounds and arrest or cause the arrest and appearance before the nearest magistrate for examination, of all persons who attempt to commit or have committed a public offense thereon

4314. The business manager of each state hospital may with the approval of the superintendent, designate, in writing, as a police officer, one or more of the bona fide employees of the hospital. The business manager and each such police officer have all the powers of peace officers Such police officers shall

receive no compensation as such and the additional duties arising therefrom shall become a part of the duties of their regular positions. When and as directed by the business manager or the superintendent, such police officers shall enforce the rules and regulations of the hospital, preserve peace and order on the premises thereof, and protect and preserve the property of the state.

4315. The Director of Mental Hygiene may set aside and designate any space on the grounds of any of the institutions under the jurisdiction of the department that is not needed for other authorized purposes, to enable such institution to establish and maintain therein a store or canteen for the sale to or for the benefit of patients of the institution of candies, cigarettes, sundries and other articles. The stores shall be conducted subject to the rules and regulations of the department and the rental, utility and service charges shall be fixed as will reimburse the institutions for the cost thereof. The stores when conducted under the direction of a superintendent shall be operated on a nonprofit basis but any profits derived shall be deposited in the benefit fund of each such institution as set forth in Section 4125.

Before any store is authorized or established, the Director of Mental Hygiene shall first determine that such facilities are not being furnished adequately by private enterprise in the community where it is proposed to locate the store, and the director may hold public hearings or cause surveys to be made to determine the same.

The Director of Mental Hygiene may rent such space to private individuals, for the maintenance of a store or canteen at any of the said institutions upon such terms and subject to such regulations as are approved by the Department of General Services, in accordance with the provisions of Section 13109 of the Government Code. The terms imposed shall provide that the rental, utility and service charges to be paid shall be fixed so as to reimburse the institution for the cost thereof and any additional charges required to be paid shall be deposited in the benefit fund of such institution as set forth in Section 4125.

SEC. 3. Section 5599 of said code as added by Chapter 391 of the Statutes of 1965 is amended to read:

5599. If the court finds that the person is mentally deficient, and that he has been a resident of the state for one year next preceding the presentation of the petition, or, if the person is under the age of one year, that he was born in the state and that the parent in whose custody he is has been a resident of the state for a period of one year next preceding the presentation of the petition, or, if the person is the child of a person in military service as provided in Section 5591, the court may make an order that the person be committed to the Department of Mental Hygiene for hospitalization. The court, however, may commit a mentally deficient person who has been in the

state less than one year for the purpose of transportation of such person to the state of his legal residence pursuant to Section 4119. The Department of Mental Hygiene shall receive the person committed to it and shall place the person in a state hospital for the mentally retarded, unless such institutions are already full, or the funds available for their support are exhausted, or, in the opinion of the Department of Mental Hygiene, the person is not a suitable subject for admission thereto.

SEC. 5. Section 6500.5 of said code is repealed.

SEC. 6 Section 6501 of said code is repealed.

SEC. 7. Section 6501 is added to said code, to read:

6501. All of the institutions under the jurisdiction of the Department of Mental Hygiene shall be governed by the uniform rule and regulation of the Department of Mental Hygiene and all of the provisions of Chapter 2 (commencing with Section 4100) Part 1 of Division 5 of this code on the administration of state institutions shall apply to the conduct and management of the state hospitals for the mentally ill and, except as provided in Chapter 3 (commencing with Section 7000) of Part 4 of this division, to state hospitals for the mentally retarded.

SEC. 8. Section 6502 of said code is repealed.

SEC. 9. Section 6503 of said code is repealed.

SEC 10. Section 6503.1 of said code is repealed

SEC 11. Section 6503.2 of said code is repealed

SEC. 12. Section 6503 3 of said code is repealed.

SEC. 13. Section 6503 4 of said code is repealed.

SEC. 14. Section 6504 of said code is repealed.

SEC. 15. Section 6505 of said code is repealed.

SEC. 16. Section 6506 of said code is repealed

SEC. 17 Section 6507 of said code is repealed.

SEC. 18. Section 6508 of said code is repealed

SEC. 19. Section 6509 of said code is repealed

SEC. 20. Section 6510 of said code is repealed.

SEC. 21. Section 6511 of said code is repealed.

SEC 22 Section 6512 of said code is repealed.

SEC. 23. Section 6513 of said code is repealed.

SEC. 24. Section 6514 of said code is repealed.

SEC. 25. Section 6515 of said code is repealed.

SEC. 26. Article 2 (commencing with Section 6552) of Chapter 1, Part 4, Division 6 of said code is repealed.

SEC. 27. Section 6602 of said code is amended to read:

6602. Pursuant to rules and regulations established by the State Department of Mental Hygiene, the medical superintendent or person in charge of any state hospital may receive and detain in such state hospital, as a boarder and patient, any person who is a suitable person for care and treatment in such state hospital, upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

(a) In the case of an adult person, the application shall be made voluntarily by the person, at a time when he is in such condition of mind as to render him competent to make it.

(b) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody to any of such mental hospitals as may be designated by the Director of Mental Hygiene to admit minors on voluntary applications.

Any such person received and detained in a state hospital shall be deemed a voluntary patient.

Upon the admission of a voluntary patient to a state hospital, the medical superintendent or person in charge shall immediately forward to the office of the State Department of Mental Hygiene the record of such voluntary patient, showing the name, residence, age, sex, place of birth, occupation, civil condition, date of admission of such patient to such hospital, and such other information as is required by the rules and regulations of the department.

The charges for the care and keeping of such person in such hospital shall be governed by the provisions of Article 5 of this chapter relating to the charges for the care and keeping of mentally ill persons in state hospitals.

No adult person received into a state hospital under such voluntary application shall be detained therein for more than seven days, after having given notice, in writing, to the medical superintendent or person in charge of such hospital of his desire to leave such hospital unless, within such period, a petition has been filed with the superior court for commitment of such person as a mentally ill person.

No minor person received into a state hospital as a voluntary patient shall be detained therein for more than seven days after notice is given, in writing, to the medical superintendent or other person in charge of the hospital by the parents, or the parent, guardian, or other person entitled to the custody of the minor, of their desire to remove him from the hospital.

No person received into a state hospital as a voluntary patient during his minority shall be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital for care and treatment in the manner prescribed in this section for applications by adult persons.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this section.

SEC. 30. Section 6621 of said code is amended to read:

6621. Every superintendent, or person in charge of a state hospital, shall, within three days after the reception of a patient, make or cause to be made a thorough physical and mental examination of the patient, and state the result thereof, on blanks prepared and exclusively set apart for that purpose. During the time the patient remains under his care he shall also make, or cause to be made, from time to time, examination

of the mental state, bodily condition, and medical treatment of the patient at such intervals and in such manner, and state its result, upon such blank forms, as are approved by the department. In the event of the death or discharge of a patient the superintendent, or person in charge of the state hospital, shall state the circumstances thereof upon such forms as are required by the department.

SEC. 31. Section 6650 of said code is amended to read:

6650. The husband, wife, father, mother, or children of a mentally ill person or inebriate, the estates of such persons, and the guardian and administrator of the estate of such mentally ill person or inebriate, shall cause him to be properly and suitably cared for and maintained, and shall pay the costs and charges of his transportation to a state institution for the mentally ill or inebriates. The husband, wife, father, mother, or children of a mentally ill person or inebriate, and the administrators of their estates, and the estate of such mentally ill person or inebriate, shall be liable for his care, support, and maintenance in a state institution of which he is a patient. The liability of such persons and estates shall be a joint and several liability, and such liability shall exist whether the mentally ill person or inebriate has become a patient of a state institution pursuant to the provisions of this code or pursuant to the provisions of Sections 1026, 1368, 1369, 1370, and 1372 of the Penal Code.

SEC. 32. Section 6657 of said code is amended to read:

6657. There is at each institution under the jurisdiction of the Department of Mental Hygiene a fund known as the patients' personal deposit fund. Any funds coming into the possession of the superintendent, belonging to any patient in that institution, shall be deposited in the name of that patient in the patients' personal deposit fund, except that if a guardian of the estate is appointed for the patient then he shall have the right to demand and receive such funds Whenever the sum belonging to any one patient, deposited in the patients' personal deposit fund, exceeds the sum of five hundred dollars ($500), the excess may be applied to the payment of the care, support, maintenance and medical attention of the patient. After the death of the patient any sum remaining in his personal deposit account in excess of burial costs may be applied for payment of care, support, maintenance and medical attention Any of the funds belonging to a patient deposited in the patients' personal deposit fund may be used for the purchase of personal incidentals for the patient or may be applied in an amount not exceeding five hundred dollars ($500) to the payment of his burial expenses.

SEC. 33 Section 6658 of said code is amended to read·

6658. The Department of Mental Hygiene may in its own name bring an action to enforce payment for the cost and charges of transportation of a person to a state hospital against any person, guardian or relative liable for such transportation. The department also may in its own name bring an action to

recover for the use and benefit of any state hospital or for the state the amount due for the care, support, maintenance, and expenses of any patient therein, against any county, or officer thereof, or against any person, guardian, or relative, liable for such care, support, maintenance, or expenses.

SEC. 34. Section 6659 of said code is amended to read:

6659. All moneys collected by the Department of Mental Hygiene for the cost and charges of transportation of persons to state hospitals shall be remitted by the department to the State Treasury for credit to, and shall become a part of, the current appropriation from the General Fund of the state for the transportation of the mentally ill, correctional school, or other state hospital patients and shall be available for expenditure for such purposes. In lieu of exact calculations of moneys collected for transportation charges the department may determine the amount of such collections by the use of such estimates or formula as may be approved by the Department of Finance.

SEC. 35. Section 6660.5 of said code is amended to read:

6660.5. Whenever it appears that a person who has been admitted to a state institution and remains under the jurisdiction of the Department of Mental Hygiene does not have a guardian and owns personal property which requires safekeeping for the benefit of the patient, the Department of Mental Hygiene may remove or cause to be removed such personal property from wherever located to a place of safekeeping.

Whenever it appears that such patient does not own property of a value which would warrant guardianship proceedings, the expenses of such removal and safekeeping shall be paid from funds appropriated for the support of the institution in which the patient is receiving care and treatment; provided, however, that if the sum on deposit to the credit of such patient in the patients' personal deposit fund exceeds the sum of three hundred dollars ($300), the excess may be applied to the payment of such expenses of removal and safekeeping.

When it is determined by the superintendent at any time after the removal for safekeeping of such personal property, that the patient is incurable or is likely to remain in a state institution indefinitely, then any of those articles of personal property which cannot be used by the patient at the institution may be sold at public auction and the proceeds therefrom shall first be applied in reimbursement of the expenses so incurred and the balance shall be deposited to the patient's credit in the patients' personal deposit fund. All moneys so received as reimbursement shall be deposited in the State Treasury in augmentation of the appropriation from which the expenses were paid.

SEC. 36 Section 6664 of said code is amended to read:

6664. The county from which each person has been committed to an institution for defective or psychopathic delinquents shall pay the state the cost of the care of such person, for the time the person committed remains a patient of the

institution, at the monthly rate therefor fixed as provided in Section 6665.

SEC. 37. Section 6700 of said code is amended to read:

6700. It shall be the policy of the department to make available to all persons committed to its jurisdiction all of the facilities under the control of the department. Whenever, in the opinion of the Director of Mental Hygiene, it appears that a person committed to the Department of Mental Hygiene for placement in a designated institution would be benefited by a transfer from that designated institution to another institution in the department, the director may cause the transfer of the patient from that institution to another institution under the jurisdiction of the department. Preference shall be given in any such transfer to an institution in an adjoining rather than a remote district.

However, before any inmate of a correctional school may be transferred to a state hospital for the mentally ill, he shall first be returned to a court of competent jurisdiction, and, after hearing, may be committed to a state hospital for the mentally ill in accordance with law.

The expense of such transfers is chargeable to the state, and the bills for the same, when approved by the Director of Mental Hygiene, shall be paid by the Treasurer on the warrant of the Controller, out of any moneys provided for the care or support of the patients or out of the moneys provided for the support of the department, in the discretion of the department.

SEC. 38. Section 6700.5 of said code is amended to read:

6700.5. Whenever, in the opinion of the Director of Mental Hygiene and with the approval of the Director of Corrections, any person who has been committed to a state hospital pursuant to provisions of the Penal Code or who has been committed for an indeterminate period pursuant to the provisions of Article 1 (commencing with Section 5500) of Chapter 1, Part 1.5, Division 6, of this code needs care and treatment under conditions of custodial security which can be better provided within the Department of Corrections, such person may be transferred for such purposes from an institution under the jurisdiction of the Department of Mental Hygiene to an institution under the jurisdiction of the Department of Corrections.

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

SEC. 39. Section 6701 of said code is amended to read:

6701. Patients may be transferred to a like institution at the request of relatives or friends, if there is room in the like institution to which transfer is sought and if the Department of Mental Hygiene and the superintendents of the institutions from which and to which the transfer is to be made consent thereto. The expense of such transfer shall be paid by such relatives or friends.

SEC. 40. Section 6702 of said code is amended to read:

6702. Whenever a person, committed to the care of the Department of Mental Hygiene under one of the commitment laws which provides for reimbursement for care and treatment to the state by the county of commitment of such person, is transferred under Section 6700, to an institution under the jurisdiction of the department where the state rather than the county is liable for the support and care of patients, the county of commitment may have the original commitment vacated and a new commitment issued, designating the institution to which the person has been transferred, in order to absolve the county from liability under the original commitment.

SEC. 41. Section 6720 of said code is amended to read:

6720. When any patient has escaped from any state hospital or from any hospital or facility operated by or under the Veterans' Administration of the United States government, or when a patient's return from leave of absence has been authorized or ordered by the Department of Mental Hygiene or the facility of the Veterans' Administration, any peace officer, upon written request of a state hospital or veterans' facility, shall without the necessity of a warrant or court order, or any officer or employee of the Department of Mental Hygiene designated to perform such duties may, apprehend, take into custody and deliver him to a state hospital or to a facility of the Veterans' Administration, or to any person or place authorized by the Department of Mental Hygiene, or by the Veterans' Administration, as the case may be, to receive him Every officer or employee of the department designated to apprehend or return such patients shall have the powers and privileges of peace officers so far as necessary to enforce the provisions of this section.

As used in this section "any peace officer" means any sheriff, undersheriff, deputy sheriff, constable of a township, chief of police or policeman of a city or town, who is regularly employed and paid as such by a county, township, city or town.

SEC. 42. Section 6721 of said code is amended to read:

6721. Any person who willfully assists any patient of a state hospital to escape, or to attempt to escape therefrom or to resist being returned from a leave of absence, is guilty of a misdemeanor.

SEC 43 Section 6724 of said code is amended to read:

6724. When any patient has escaped from any public mental hospital in a state of the United States other than

California and is present in this state, any peace officer, health officer, county physician, or assistant county physician may take such person into custody within five years after the escape. Such person may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer, health officer, county physician, or assistant county physician. The application shall be in writing and shall state the identity of the person, the name and place of the institution from which he escaped and the approximate date of the escape, and the fact that the person has been apprehended pursuant to this section.

As soon as possible after the person is apprehended, the district attorney of the county in which the person is present shall file a petition in the superior court alleging the facts of the escape, and requesting an immediate hearing on the question of whether the person has escaped from a public mental hospital in another state within five years prior to his apprehension. The hearing shall be held within three days after the day on which the person was taken into custody. If the court finds that the person has not escaped from such a hospital within five years prior to his apprehension, he shall be released immediately.

If the court finds that the person did escape from a public mental hospital in another state within five years prior to his apprehension, the superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person, and the district attorney of the county in which such person is present immediately shall present to a judge of the superior court a petition asking that the person be committed to a state hospital in this state. The hearing on the petition shall be held within seven days after the court's determination in the original hearing that the person did escape from a public mental hospital in another state within five years prior to his apprehension. Proceedings shall thereafter be conducted as on a petition of mental illness. If the court finds that the person is mentally ill it shall order him committed to a state hospital in this state; otherwise, it shall order him to be released. It shall be the duty of the superintendent of the state hospital to accept custody of such person, if he has been determined to be mentally ill. The Department of Mental Hygiene will promptly cause such person to be returned to the institution from which he escaped if the authorities in charge of such institution agree to accept him. If such authorities refuse to accept such person, the superintendent of the state hospital in which the person is confined shall continue to care for and treat the person in the same manner as any other person committed to the hospital as mentally ill.

SEC. 44. Section 6726 of said code is amended to read:

6726. The superintendent of a state hospital for the mentally ill or mentally retarded may grant a leave of absence

to a patient under general conditions prescribed by the Department of Mental Hygiene.

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

SEC. 45. Section 6726.5 of said code is amended to read:

6726.5. The department may grant certificates to private homes for family care of patients on leave of absence from state hospitals. Such certificates shall be granted without payment of fees. Each such home may care for not more than six (6) patients and shall be regulated by standards established by the department for the care of such patients.

SEC. 46. Section 6727 of said code is amended to read:

6727. No patient shall be discharged or granted a leave of absence from a state hospital without suitable clothing adapted to the season in which he is discharged; and, if it cannot otherwise be obtained, the superintendent, under general conditions prescribed by the Department of Mental Hygiene, shall furnish such clothing and money, not exceeding twenty-five dollars ($25) to defray the necessary expenses of such patient who is going on leave of absence or is to be discharged until he can reach his relatives or friends, or find employment to earn a subsistence.

The superintendent may, under general conditions prescribed by the Department of Mental Hygiene, furnish to patients while on leave of absence such incidental moneys, supplies or services as are necessary and advisable in the care, supervision and rehabilitation of such patients on leave of absence. Payments therefor shall be made from funds available for support of patients in the state hospital or hospitals from which such patients have been granted a leave of absence.

SEC. 47. Section 6734 of said code is amended to read:

6734. If any person who has been duly adjudged to be mentally ill and duly committed to a state hospital under the provisions of any law of this state, and who is absent from the hospital to which he was committed or transferred under the order of commitment, on leave of absence granted by the medical superintendent thereof, or who has been discharged therefrom by the superintendent as provided by this article, desires to be declared sane and restored to reason, the mentally ill person, or a relative or friend on his behalf, may make application in writing to the medical superintendent for a certificate that the person is sane. On receiving such application, the medical superintendent may make such examination of such person and require such proof as he reasonably deems necessary to determine whether or not such person is sane. For

the purpose of making such examination the superintendent may also require the person to present himself at the hospital for examination. If, on making such examination and receiving such proofs as he deems reasonably necessary, the medical superintendent is satisfied that the person has recovered his reason and is sane, or was not mentally ill when admitted to the hospital, the medical superintendent shall issue to the person his certificate that such person is sane, and recovered and restored to reason, and shall file a copy of such certificate with the Director of Mental Hygiene; provided, that if it is the conclusion of the superintendent that such person was not mentally ill when admitted to the hospital, the certificate shall not be so worded as to imply that the person has, in fact, been mentally ill. A duly certified copy of such certificate shall be filed by the Department of Mental Hygiene with the county clerk of the county from which the person was committed and, if no guardian has been appointed for such person, such certified copy and the record thereof shall have the same legal effect as provided in Section 6729 of this code. A copy thereof shall also be filed at the hospital and a proper record made thereof.

SEC. 48. Section 6735 of said code is amended to read:

6735. If the medical superintendent of a state hospital is unwilling or refuses to issue a certificate of recovery upon application as in this article provided, he shall so certify in writing, giving his reasons therefor, and the mentally ill person, or a relative or friend in his behalf, if no guardian has been appointed for such person, may make application, by petition duly verified to a judge of the superior court of the county where such mentally ill person resides, for an order adjudging that the person is sane and restored to reason. Notice of the hearing of the application shall be given in the manner directed by a judge of the court, to the medical superintendent, and to such relative or relatives of the mentally ill person residing in the county as the judge directs, and such persons shall be given opportunity to appear and be heard on the hearing of the application. The hearing shall be conducted in the same manner as civil cases, and on demand of the petitioner the question of the mental illness of the person shall be tried by a jury, as in civil cases. If on the hearing of the application the court is satisfied from the proofs produced, or, if a jury trial is had, and the jury renders a verdict that the person is sane, the court shall by order adjudge the person to be sane and restored to reason. The order shall be filed and recorded in the office of the county clerk and the clerk shall file certified copies thereof with the State Department of Mental Hygiene and also with the superintendent of the hospital from which the mentally ill person was granted leave of absence or discharged. If the matter is tried by a jury the cause against the mentally ill person shall be represented by the district attorney of the county. From a decision of the court or verdict of the jury

finding the person mentally ill, an appeal may be taken as in civil cases. If three-fourths of the jury fail to declare the person sane, or the court or the jury finds the person to be mentally ill, the proceeding shall be dismissed and no new application to declare the person sane shall be made for six months thereafter.

SEC. 49. Section 7002 of said code is repealed.

SEC. 50. Section 7002 of said code is added, to read:

7002. Except as otherwise provided in this chapter the provisions on state institutions in Chapter 2 (commencing with Section 4100) Part 1, Division 5 of this code shall apply to the state hospitals for the mentally retarded.

SEC. 51. Section 7003 of said code is amended to read:

7003. The superintendents of the hospitals for the mentally retarded appointed under the provisions of Section 4921 of this code shall be well educated physicians, of good moral character, and graduates of incorporated medical colleges, who have had not less than three years' experience in the care and treatment of the mentally retarded or of the mentally ill.

SEC. 52. Section 7005 of said code is amended to read:

7005. Each hospital for the mentally retarded shall have a department for the clinical diagnosis of patients, and their subsequent classification and observation, with a view to their proper segregation and treatment.

SEC. 53. Section 7007 of said code is amended to read:

7007. The Department of Mental Hygiene may authorize the superintendent of each state hospital mentioned in Section 7000 to admit persons suspected of being mentally retarded thereto, temporarily, without commitment, under rules and regulations prescribed by the department, for purposes of observation and diagnosis, to ascertain whether or not they are actually mentally retarded and proper cases for care, treatment, and training in a state hospital for the mentally retarded. If any person so admitted is found to be mentally retarded and a proper case for institutional care, treatment, and training, application may be made to the superior court for an order of commitment of the person to a state hospital for the mentally retarded.

SEC. 54. Section 7008 of said code is amended to read:

7008. The Department of Mental Hygiene shall prescribe and publish instructions and forms, in relation to the commitment and admission of patients, and may include in them such interrogatories as it deems necessary or useful. Such instructions and forms shall be furnished to anyone applying therefor, and shall also be sent in sufficient numbers to the county clerks of the several counties of the state.

SEC. 55. Section 7009 of said code is amended to read:

7009. The county from which each mentally retarded person is committed shall pay the state a portion of the cost of the care of such person, for the time the person committed remains a patient of a state hospital for the mentally retarded or mentally ill or on leave of absence to a licensed hospital,

facility or boarding home for the care of such persons, at the monthly rate therefor fixed as provided in Section 7010.

SEC. 56. Section 7012 of said code is amended to read:

7012. The Department of Mental Hygiene may transfer any patient of a state hospital for the mentally retarded to another state hospital for the mentally retarded, at any time and from time to time, upon the application of the parent, guardian, or other person charged with the support of such patient, if the expenses of the transfer are paid by the applicant. The liability of any estate, person, or county for the care, support and maintenance of such patient in the institution to which he is transferred shall be the same as if he had originally been committed to such institution.

SEC. 57. Section 7013 of said code is amended to read:

7013. The superintendent may, with the approval of the Department of Mental Hygiene, cause the peremptory discharge of any person who has been a patient for the period of one month.

SEC. 58. Section 7014 of said code is amended to read:

7014. Nothing in this division contained interferes with or affects the status of such patients as are now in the Sonoma State Hospital under terms of life tenure.

SEC. 59. Section 7015 of said code is amended to read:

7015. The superintendent of each state hospital for the mentally retarded shall, on or before the fifth day of each month, prepare a true and correct report, verified by oath, of all patients supported, cared for, trained, and educated in the hospital for the preceding month, whose support, care, training, and education in such hospital are to be paid for by the several counties from which they came. This report shall give the names and counties from which committed of all such patients, and the name of the committing judge. Copies of this report shall be filed in the offices of the Department of Finance, the Controller, the State Treasurer, and the Department of Mental Hygiene, but shall not be printed, or used, nor permitted to be used, for any other purpose than the special information of the officers designated. The superintendent shall also, within the time above designated, prepare a report, verified by his oath, showing substantially the facts set forth in the above report, which shall be filed with the county auditors of the several counties from which the commitments have been made to the institution, showing the name of each patient supported, and for which such county is liable to the state for support and maintenance.

SEC. 60 Chapter 5 (commencing with Section 7100) of Part 4 of Division 6 of said code is repealed.

SEC. 61. Part 5 (commencing with Section 7500) of Division 6 of said code is repealed.

SEC. 62. The heading of Part 6 (commencing with Section 7600) of Division 6 of said code is amended and renumbered to read:

PART 5. STUDY COMMISSION ON MENTAL RETARDATION

CHAPTER 1798

An act to amend Sections 7, 9.3 and 9.4 of, and to add Sections 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17, and 38.3 to, the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes 1953), relating to water 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 7 of the San Benito County Water Conservation and Flood Control District Act (Chapter 1598, Statutes 1953) is amended to read:

Sec. 7. The board shall have no power to levy any taxes on a district basis and all taxes shall be levied or imposed only on land, except that in zones created for flood control taxes may be levied or imposed on land and the improvements thereon, benefiting from district activities on a zone basis in zones created for specific benefits in accordance with the provisions of this act. In any zone created for flood control said taxes shall in no event exceed an amount of twenty-five cents ($0.25) per hundred dollars ($100) of assessed valuation of land and improvements thereon taxed, and in any zone created for water conservation said taxes shall in no event exceed an amount of thirty-five cents ($0.35) per hundred dollars ($100) of assessed valuation of land taxed, except that an administrative assessment levied as provided in Section 17 of this act shall in no event exceed ten cents ($0.10) per hundred dollars ($100) of assessed valuation of land taxed; provided, however, that taxes for the service of bonds provided in Section 22 of this act may be in addition to said amount; and provided further, that special taxes to make payments under contracts with other governmental bodies provided in Section 17 of this act may also be in addition to said amount.

SEC. 2. Section 7.1 is added to said act, to read:

Sec. 7.1. 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 within a zone or zones of the district which will benefit from the recharge of underground water supplies or the distribution of imported water in such zone or zones.

SEC. 3. Section 7.2 is added to said act, to read:

Sec. 7.2. As used in connection with the ground water charge, the following words shall mean:

"Person" or "operator" means public agencies, federal, state, and local, private corporations, firms, partnerships, individuals or groups of individuals, whether legally organized or not; "owner" or "operator" also means the person to whom

a water-producing facility is assessed by the county assessor, 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 water necessary to be replaced in the intake areas of the ground water basins within the district or any zone or zones thereof to prevent the landward movement of salt water into the fresh ground water body, or to prevent subsidence of the land within any such zone or zones, as determined by the board from time to time.

"Annual overdraft" means the amount, determined by the board, by which the production of water from the ground water supplies within the district or any zone or zones thereof during the water year exceeds the natural replenishment of such ground water supplies in such water year.

"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. 4. Section 7.3 is added to said act, to read:

Sec. 7.3. Prior to the establishment of any ground water charge, the board shall establish a zone or zones within the district within which the ground water charge will be effective. Said zone or zones shall be established and may be amended to the extent and in the manner prescribed in Section 12 of this act.

SEC. 5. Section 7 4 is added to said act, to read:

Sec. 7.4. 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 for users within a zone or zones 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, within said zone or zones of the district for the benefit of all who rely directly or indirectly upon the ground water supplies of such zone or zones and water imported into such zone or zones.

The proceeds of ground water charges levied and collected upon the production of water from ground water supplies within such zone or zones of the district are authorized and

shall be used exclusively by the board for the following purposes.

1. To pay the costs of constructing, maintaining and operating facilities which will import water into the district which will benefit such zone or zones, 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.

2. To pay the costs of purchasing water for importation into such zone or zones, including payments made under contract to the State of California, the United States of America, or any public, private or municipal utility.

3. To pay the costs of constructing, maintaining and operating facilities which will conserve or distribute water within such zone or zones, including facilities for ground water recharge, surface distribution, and the purification and treatment of such water.

4. To pay the principal or interest of any bonded indebtedness or other obligations incurred by the district on behalf of such zone or zones for any of the purposes set forth in paragraphs 1, 2 and 3 of this section.

The district may apply to any one or more of the purposes set forth in paragraphs 1, 2, 3 and 4 of this section any or all revenues received by the district from water sale contracts executed by the district pursuant to this act.

SEC. 6. Section 7.5 is added to said act, to read:

Sec. 7.5. Within six months after the date of establishing any such zone or zones, all water-producing facilities located within the boundaries of such zone or zones shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district installed by the district or at the district's option by the operator thereof. Any new water-producing facility, constructed or reestablished after such date, shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district within 30 days after the completion or reestablishment thereof.

Failure to register any water-producing facility, as required by this act, 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 7.6 is added to said act, to read:

Sec. 7.6. The district engineer shall annually prepare an investigation and report upon ground water conditions of the district and the zones thereof. 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 overdraft, information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year, a report as to the total production of water from the ground water supplies of the district and the zones thereof for the preceding water year, an estimate of the annual overdraft for the current water year and for the ensuing water year, the amount of water the district is obligated to purchase during the ensuing water year, and a recommendation as to the quantity of water needed for surface delivery and for replenishment of the ground water supplies of the district and the zones thereof for the ensuing year.

SEC. 8. Section 7.7 is added to said act, to read:

Sec. 7.7. On the second Monday 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 Monday 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 Monday of April of each year, in the chambers of the board, a public hearing at which time any operator of a water-producing facility 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 the average annual overdraft for the immediate past 10 water years; the estimated annual overdraft for the current water year; the estimated annual overdraft for the ensuing water year; the accumulated overdraft as of the last day of the preceding water year; the estimated accumulated overdraft as of the last day of the current water year; the estimated amount of agricultural water to be withdrawn from the ground water supplies of the district and the zones thereof for the ensuing

water year; the amount of water other than agricultural water to be drawn from the ground water supplies of the district and the zones thereof for the ensuing water year; the estimated amount of water necessary for surface distribution for the ensuing water year; the amount of water which is necessary for the replenishment of the ground water supplies of the zones of the district; and the amount of water the district is obligated by contract to purchase.

Said findings and determinations by the board shall be conclusive and binding upon all persons and parties.

SEC. 9. Section 7.8 is added to said act, to read:

Sec. 7.8. Prior to the end of the water year in which said hearing is held, and based upon the findings and determinations from said hearing, the board shall determine whether or not a ground water charge should be levied in any zone or zones. If the board determines that a ground water charge should be levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities within such zone or zones during the ensuing water year. The charge shall be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water. Different rates may be established in different zones; provided, however, that in each zone the rate for agricultural water shall be fixed and uniform and the rate for water other than agricultural water shall be fixed and uniform.

The ground water charge in any year shall not exceed a fixed and uniform rate of five dollars ($5) per acre-foot for agricultural water, or a fixed and uniform rate of fifteen dollars ($15) per acre-foot for all water other than agricultural water, or a fixed and uniform rate of fifteen dollars ($15) per acre-foot for all water produced from a source within a zone and transported or used out of said zone.

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. 10. Section 7.9 is added to said act, to read:

Sec. 7.9. The district, after the levying of the ground water charge, shall give notice thereof to each operator of each water-producing facility in the zone or zones as disclosed by the records of 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. 11. Section 7.10 is added to said act, to read:

Sec. 7.10. After the establishment of a zone in which a ground water charge may be levied, each 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 and the method or basis of the computation of such water production. 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 statement 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 1 percent each month on the delinquent amount of the ground water charge.

Should any operator of a water-producing facility fail to register each water-producing facility, or fail to file the water production statement as required by this act, the district shall, in addition to charging interest as provided herein, assess a penalty charge against such operator in an amount of 10 percent of the amount found by said district to be due.

The board may, at the time of fixing the ground water charge, establish a method or methods to be used in computing the amount of water produced from a water-producing facility which is not measured by a measuring device. Such methods may be based upon any, or all, or a combination of some of the following criteria: 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. 12. Section 7.11 is added to said act, to read:

Sec. 7.11. Upon good cause shown, an amended statement of water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next semiannual water production statement.

SEC. 13. Section 7.12 is added to said act, to read:

Sec. 7.12. The district shall prepare each year a record called "The Record of Water Production and Ground Water Charges" in which shall be entered a general description of the property upon which each water-producing facility is located, an identifying number or code which is assigned to such facility, the annual water production for each class of water produced from each water-producing facility, and the ground water charge for each class of water.

SEC. 14. Section 7.13 is added to said act, to read:

Sec. 7.13. The superior court of the county in which the district lies may issue a temporary restraining order upon the filing by the district with said court of a petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district, or that such defendant is delinquent in the payment of a ground water charge. Such temporary restraining order shall be returnable to said court on or before 10 days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established at the hearing that the defendant has failed to register such water-producing facility with the district, or that the defendant is delinquent in payment of ground water charges thereon. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register the water-producing facility or to pay the delinquent ground water charge.

Service of process is completed by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which it is located and by personal service upon the named defendant.

The right to proceed for injunctive relief granted herein is an additional right to those which may be provided elsewhere in this act or otherwise allowed by law. The procedure provided in Chapter 3 (commencing with Section 525), Title 7, Part 2, of the Code of Civil Procedure, regarding injunctions shall be followed except insofar as it may herein be otherwise provided. The district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

SEC. 15. Section 7.14 is added to said act, to read:

Sec. 7.14. 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 fa-

cility; provided, however, where a water-measuring device is permanently attached thereto, the record of production, as disclosed by such water-measuring device, shall be presumed to be accurate and the burden is upon the district to establish to the contrary.

After such determination has been made by the 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. 16. Section 7.15 is added to said act, to read:

Sec. 7.15. The district may bring a suit in the court having jurisdiction against any operator of a water-producing facility within the district for the collection of any delinquent ground water charge. The court having jurisdiction of said suit, may, in addition to allowing recovery of costs to said district as allowed by law, fix and allow as part of the judgment interest and penalties as provided in Section 26 9. Should the district, as a provisional remedy in bringing such suit, seek an attachment against the property of any named defendant therein, the district shall not be required to provide a bond or undertaking as is otherwise provided for in the Code of Civil Procedure of the State of California in Chapter 4 (commencing with Section 537), Title 7, Part 2, thereof.

SEC. 17. Section 7.16 is added to said act, to read:

Sec. 7.16. It shall be unlawful to produce water from any water-producing facility required to be registered pursuant to the terms of this act unless such water-producing facility has been registered with the district within the time required by the provisions of this act and, if required by the board, has a

water-measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom

Violation of this provision shall be punishable by a fine 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. Each day of operation in violation hereof shall constitute a separate offense.

SEC. 18. Section 7.17 is added to said act, to read:

Sec. 7.17. 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 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. 19. Section 9.3 of said act is amended to read:

Sec. 9.3. A general district election shall be held in the district on the second Tuesday after the first Monday in February in each odd-numbered year, at which a successor shall be chosen for each director whose term of elective office expires thereafter. The term of elected directors expires at noon on the first Tuesday in March of the next odd-numbered year after the year in which the meeting provided for in Section 9.1 is held.

One hundred days before the election the board of directors shall cause to be published once a notice to the effect that petitions of nomination may be filed for the office or offices of director to be filled at the election.

Not more than 91 days and not less than 60 days prior to the election, any five or more landowners of the district may file with the board of directors a petition requesting that the name of a certain person be placed upon the ballot as a candidate for the office of director. Each person nominated shall be an owner of land and a resident within the district. For this purpose ownership of land may be shown by reference to the last equalized assessment roll of the county. Prior to casting a ballot at such election every voter must execute an affidavit that he is an owner of land within the district at the time of the election and submit such affidavit with his ballot.

SEC. 20. Section 9.4 of said act is amended to read:

Sec. 9.4. If on the 50th day prior to the day fixed for the general district election it appears that one person but not more than one, or that no person, has been nominated for the position of director, which is to be filled at that election, and that a petition, signed by not less than 5 percent of the land-

owners of the district requesting that the general district election be held has not been filed with the board of directors, the board of supervisors at a regular, adjourned or special meeting held prior to the day fixed for the election shall appoint to the position the person who has been nominated therefor, or if no person has been nominated, any qualified person. The person so appointed shall qualify, take office and serve exactly as if elected at a general district election.

In such instances a notice that no election is to be held but that the board of supervisors will appoint the nominated, or qualified person if none has been nominated, for said position of director, shall be published by the board of directors once at least five days prior to the date on which the election would have been held.

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

SEC. 21. Section 38.3 is added to said act, to read:

Sec. 38.3. Any parcel, parcels, or tract of land may be annexed to a zone if the land will be benefited, and any parcel, parcels, or tract of land within any zone may be excluded if not benefited.

Proceedings for annexation or exclusion may be instituted by the board by resolution specifying its intention to annex or exclude such parcel, parcels, or tract of land, describing the proposed land to be annexed or excluded and specifying a time and place for public hearing on said resolution, which public hearing may be held at any place within the district. Notice of the time and place of said hearing shall be mailed to each landowner in the area sought to be annexed or excluded at his address as shown on the last equalized assessment roll of the county at least 20 days prior to the date of said hearing. The notice shall also be published in a newspaper of general circulation within the district pursuant to Section 6066 of the Government Code.

The alternative, such proceedings may be instituted by the filing with the board a petition signed by 10 percent or more of the owners of the land sought to be annexed or excluded. The petition shall contain:

(a) The name of the zone affected by the annexation or exclusion;

(b) The reason for annexation or exclusion of the land;

(c) A description of the land to be annexed or excluded;

(d) The assent of the petitioners to the annexation or exclusion; and

(e) A request that the described land be annexed to or excluded from the zone.

When the petition has been filed with the board, the board shall fix a time and place for a public hearing thereon, which public hearing may be held at any place within the district, and cause a notice of such hearing to be given as hereinbefore provided.

Failure to show cause why the change should not be made by any person interested in or affected by the change is deemed to be his ascent to any change the board may make in the zone boundaries.

At the conclusion of the hearing, if it deems the annexation or exclusion of all or part of the land to be for the best interest of the zone, the board may by resolution annex or exclude all or part of the land sought to be annexed or excluded and shall, in such resolution, describe the zone boundaries as charged. If no effective date for such annexation or exclusion is specified in the resolution, then the effective date shall be deemed to be the date of the resolution.

Any land or territory annexed to a zone pursuant to this section shall assume and be liable for its proportionate share of any existing outstanding debts or obligations of the zone.

CHAPTER 1799

An act relating to spray residue, 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. Notwithstanding Section 1011 or Section 26470 of the Health and Safety Code or any other provision of law or regulation, prunes of the 1964–65 crop, grown north of the Tehachapi Mountains which remain unprocessed on May 1, 1965 may contain not to exceed two parts per million of chlorobenzilate for prunes processed into concentrate or juice; provided, however, that such concentrate or juice shall not be transferred outside of the State of California unless the processor shall notify the Department of Public Health of a proposed transfer at least five days prior to any transfer. The Department of Public Health may prohibit any such transfer if measurable amounts of chlorobenzilate are found in such concentrate or juice.

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

Many tons of prunes grown north of the Tehachapi Mountains were sprayed with a spray containing chlorobenzilate

which, although not at all harmful to health, is under existing law prohibited if found as a residue on the prunes because of its defoliant effect on the trees. In order to avoid the unnecessary waste of this food product it is necessary that this act take effect immediately.

CHAPTER 1800

An act to amend Section 20767 of the Business and Professions Code, relating to motor vehicle fuel dispensing pumps, 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 20767 of the Business and Professions Code is amended to read:

20767. (a) Application for a motor fuel pump license shall be filed with the department by the owner or operator of each such pump, container used as a dispensing device, or other dispensing device on a form prescribed and furnished by the department. The application shall be accompanied by a license fee of two dollars and fifty cents ($2.50) for each pump, container used as a dispensing device, or other dispensing device. Applications for the renewal of a motor fuel pump license for each fiscal year beginning July 1st shall be made on or before the last day of June next preceding.

(b) After compliance by the owner or operator with the provisions of Sections 20766 and 20767, the department shall grant and issue to each applicant a license for each separate place of business within the state. The license shall be valid only for the location for which it is issued and for the transaction of business at the place and the number of dispensing devices designated on the license and is not assignable or transferable to any other location. The license shall at all times be conspicuously and prominently displayed at the location for which the license is issued.

CHAPTER 1801

An act to add Section 7102 to the Government Code, relating to an advisory board on services to migratory agricultural workers.

[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 7102 is added to the Government Code, to read:

7102. The Governor shall appoint a Local Applications Advisory Board of five members. One member shall represent each of the following fields of activity:

(a) Growers of agricultural commodities.
(b) County government.
(c) Labor.
(d) Rural housing authorities.
(e) Public at large.

Each member shall receive his necessary expenses.

The board shall evaluate and recommend on all local applications under this chapter.

SEC. 2. Section 1 of this act shall become operative only if Senate Bill No. 767 is enacted by the Legislature at its 1965 Regular Session, in which event Section 1 shall become operative at the same time as such bill.

CHAPTER 1802

An act to add Chapter 5 (commencing with Section 5790) to Division 5 of the Public Resources Code, relating to recreation and 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. Chapter 5 (commencing with Section 5790) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 5. RECREATION AND PARK DISTRICTS WITHOUT POWER OF EMINENT DOMAIN

5790. Recreation and park districts may be formed pursuant to this chapter with all of the powers and duties of recreation and park districts formed pursuant to Chapter 4 (commencing with Section 5780) of this division, except the power of eminent domain. All of the provisions of Chapter 4 of this division, except the provisions relating to the exercise of the

power of eminent domain by districts pursuant to that chapter, are hereby made applicable to the formation, government, powers and duties, and all other matters relating to recreation and park districts without the power of eminent domain.

5791. Notwithstanding any provision of Chapter 4 (commencing with Section 5780) of this division, all petitions, resolutions, ordinances, and other public documents and records relating to districts formed or proposed to be formed under this chapter shall specify that the district is formed, or proposed to be formed, under this chapter.

CHAPTER 1803

An act to amend Section 4532 of the Penal Code and Sections 5654, 5656, and 5677 of the Welfare and Institutions Code, relating to commitment of dispsomaniacs, inebriates, and drug addicts.

[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 4532 of the Penal Code is amended to read:

4532. (a) Every prisoner arrested and booked for, charged with, or convicted of a misdemeanor, and every person committed under the terms of Sections 5654, 5656, or 5677 of the Welfare and Institutions Code as an inebriate, who is confined in any county or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, or who is employed or authorized to secure employment away from the place of confinement, pursuant to the Work Furlough Rehabilitation Law (Section 1208), and who thereafter escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is guilty of a felony and, if such escape or attempt to escape was not by force or violence, is punishable by imprisonment in the state prison for not exceeding one year and one day, regardless of any prior convictions, or in the county jail not exceeding one year; provided, however, that if such escape or attempt to escape is by force or violence, such person is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county

jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

The willful failure of a prisoner employed or authorized to secure employment pursuant to the Work Furlough Rehabilitation Law (Section 1208) to return to the place of confinement not later than the expiration of a period during which, pursuant to that law, he is authorized to be away from such place of confinement, is an escape from such place of confinement punishable as provided in this subdivision.

A conviction of violation of this subdivision, not by force or violence, shall not be charged as a prior felony conviction in any subsequent prosecution for a public offense.

(b) Every prisoner arrested and booked for, charged with, or convicted of a felony who is confined in any country or city jail or prison or industrial farm or industrial road camp or who is engaged on any county road or other county work or who is in the lawful custody of any officer or person, who escapes or attempts to escape from such county or city jail, prison, industrial farm or industrial road camp or from the custody of the officer or person in charge of him while engaged on or going to or returning from such county work or from the custody of any officer or person in whose lawful custody he is, is guilty of a felony and, if such escape or attempt to escape was not by force or violence, is punishable by imprisonment in the state prison for not less than six months nor more than five years or in the county jail not exceeding one year; provided, that if such escape or attempt to escape is by force or violence, such person is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 10 years, or in the county jail not exceeding one year; provided, that when said second term of imprisonment is to be served in the county jail it shall commence from the time such prisoner would otherwise have been discharged from said jail.

SEC. 2. Section 5654 of the Welfare and Institutions Code is amended to read:

5654. Where a rehabilitation center for the care and treatment of inebriates is maintained in a branch of the county jail within the county, the judge may, upon the written recommendation of one medical examiner and the written consent of the person charged, order the person confined to such rehabilitation center immediately and without further hearing or examination for a definite term not exceeding one year. Any person confined pursuant hereto, may, upon written demand filed with the clerk at any time during the period of confinement, request hearing and examination as provided in Article 2 (commencing with Section 5550) of this chapter. Upon the filing of any such request, the judge shall by order, fix a time and place for hearing and examination and proceed as in cases where no order of commitment has been made pursuant to the consent of a medical examiner and the person charged.

SEC. 3. Section 5656 of said code is amended to read:

5656. If the judge, after such hearing and examination, believes the person is so far addicted to the intemperate use of habit-forming drugs, as provided in this article, as to have lost the power of self-control, he shall make an order that the person be committed to the Department of Mental Hygiene for placement in a hospital for the care and treatment of the mentally ill designated in such order, or that such person be confined for a definite period not exceeding one year, in a regional jail camp maintained by the Department of Corrections or in an industrial farm or industrial road camp within the county or, in the event that the county maintains a branch of the county jail at which inmates thereof are required to perform agricultural and other out-of-doors labor, in such branch of the county jail. The order of commitment and statement of financial condition shall be in substantially the form provided by Section 5567 of this code for the commitment of mentally ill persons.

Before a person is committed to a state hospital, however, satisfactory evidence shall be submitted to the trial judge showing that the person to be committed is not of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment.

SEC. 4. Section 5677 of said code is amended to read:

5677. If the judge, after such hearing and examination, believes the person is subject to inebriety in such a degree as to require custodial care and treatment, he shall make an order that the person be committed to the Department of Mental Hygiene for placement in a hospital for the care and treatment of the mentally ill designated in such order, or that such person be confined for a definite period, not exceeding one year, in a regional jail camp maintained by the Department of Corrections or in an industrial farm or industrial road camp within the county or, in the event that the county maintains a branch of the county jail at which inmates thereof are required to perform agricultural and other out-of-doors labor, in such branch of the county jail.

Before a person is committed to a state hospital, however, satisfactory evidence shall be submitted to the trial judge showing that the person to be committed is not of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment.

CHAPTER 1804

An act to amend Section 6546 of the Government Code, relating to public agencies.

[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 6546 of the Government Code is amended to read:

6546. In addition to other powers, any agency, commission or board provided for by a joint powers agreement pursuant to Article 1, if such entity has the power to acquire, construct, maintain or operate:

(a) An exhibition building or other place for holding fairs or exhibitions for the display of agricultural, livestock, industrial, or other products;

(b) A coliseum, a stadium, a sport arena or sports pavilion or other building for holding sport events, athletic contests, contests of skill, exhibitions, spectacles and other public meetings;

(c) Any other public buildings; may issue revenue bonds pursuant to this article to pay the cost and expenses of acquiring or constructing a structure or structures or facility or facilities which may include any or all of said purposes.

CHAPTER 1805

An act to add Section 1313 to the Insurance Code, relating to reciprocal or interinsurance exchanges.

[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 1313 is added to the Insurance Code, to read:

1313. Nothing in Chapter 504 of the Statutes of 1965 shall limit or affect the right of an admitted foreign reciprocal or interinsurance exchange to accept reinsurance.

CHAPTER 1806

An act to amend Section 43068 of, and repeal Section 65431 of, the Government Code, relating to planning and 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 43068 of the Government Code is amended to read:

43068. Unless a majority of the city electors voting at an election held for that purpose are in favor of it, the annual property tax shall not exceed one dollar ($1) on each one hundred dollars ($100), exclusive of such tax as may be necessary to pay the costs of any pension plan for city employees adopted pursuant to Article 2, Chapter 2, of Division 5, exclusive of such tax, not to exceed five cents ($0.05) on each one hundred dollars ($100), as may be necessary to pay the costs of civil defense or disaster preparedness, exclusive of such tax as may be necessary to pay the costs of sewerage facilities, exclusive of such tax as may be necessary to pay the costs of park and recreation facilities and exclusive of such tax in addition to the annual tax levy for other municipal purposes authorized by Sections 20532, 37465, 37558, and 43069 of this code, Section 5304 of the Public Resources Code and Section 27401 of the Education Code, and Chapter 3 (commencing with Section 65090) of Title 7 of the Government Code.

SEC. 2. Section 65431 of said code is repealed.

CHAPTER 1807

An act to add Section 46156 to the Water Code, relating to water storage 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 46156 is added to the Water Code, to read:

46156. If the district project adopted, as provided by Part 5 (commencing with Section 42200) of this division, is primarily for a surface water supply and distribution system, the commission, in lieu of appointing the three commissioners as provided by Section 46150, may, on the request by resolution of the board, appoint the engineer of the district to apportion the costs of the district project. In the event of such appointment, the term "commissioners" as used in this chap-

ter shall refer to such district engineer. In all other respects the proceedings of this chapter shall remain the same.

CHAPTER 1808

An act to amend Sections 25546.11, 25546.16, and 25546.17 of the Education Code, relating to junior 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 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 54 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.

SEC. 2. Section 25546.16 of said code is amended to read:

25546.16. On July 1, 1968, the department shall determine the amount, if any, of the twenty million dollars ($20,000,000) appropriated for the purposes of this chapter which has not been allocated pursuant to Section 25546.11. If there is such an unallocated balance, the department shall compute the maximum tentative entitlement from such balance of each junior college district eligible to receive a tentative entitlement, in the same manner as such entitlements are computed under Section 25546.10, subsections (d) through (i) except that the amount of the unallocated balance shall be used instead of twenty million dollars ($20,000,000) in subdivision (g) of Section 25546.10. Any junior college district may apply for assistance from such unallocated balance to undertake one or more projects on or before September 1, 1968. The amount of funds reserved for a district from such unallocated balance shall be continued in reservation until the district is qualified to receive an allocation of funds, but not later than June 30, 1969.

SEC. 3. Section 25546.17 of said code is amended to read:

25546.17. This article shall have no force or effect after July 1, 1969.

CHAPTER 1809

An act to amend Section 11510 of, and to add Section 11546 to, the Business and Professions Code, relating to the Subdivision Map Act.

[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 11510 of the Business and Professions Code is amended to read:

11510. "Design" refers to street alignment, grades and widths, alignment and widths of easements and rights-of-way for drainage and sanitary sewers and minimum lot area and width. "Design" also includes land to be dedicated for park or recreational purposes.

SEC. 2. Section 11546 is added to said code, to read:

11546. The governing body of a city or county may by ordinance require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision map, provided that:

(a) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision.

(b) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof.

(c) The land, fees, or combination thereof are to be used only for the purpose of providing park or recreational facilities to serve the subdivision.

(d) The legislative body has adopted a general plan containing a recreational element, and the park and recreation facilities are in accordance with definite principles and standards contained therein.

(e) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(f) The city or county must specify when development of the park or recreational facilities will begin.

(g) Only the payment of fees may be required in subdivisions containing fifty (50) parcels or less.

The provisions of this section do not apply to industrial subdivisions.

SEC. 3. 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 1810

An act to add Section 10012.5 to the Elections Code, relating to candidate's statement of qualifications.

[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 10012.5 is added to the Elections Code, to read:

10012.5. Each candidate for elective office in any local agency, city, county, city and county or district may prepare a statement of qualifications on an appropriate form provided by the clerk. Such statement may include the name, age, occupation, and education of the candidate and a brief description of no more than 150 words, of the candidate's qualifications expressed by the candidate himself. Such statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Such statement shall be filed at the time nominating papers are filed.

The clerk shall send to each voter together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate's qualifications that is prepared pursuant to this section.

The local agency may bill each candidate availing himself of this service a sum not greater than the actual prorated costs of printing and handling incurred by the agency as a result of providing this service. Only these charges may be levied and each candidate using this service shall be charged the same.

The clerk shall reject any statement which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress.

Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.

CHAPTER 1811

An act to amend Section 5565 of the Welfare and Institutions Code as added by Chapter 391 of the Statutes of 1965, relating to commitment of mentally irresponsible persons.

[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 5565 of the Welfare and Institutions Code as added by Chapter 391 of the Statutes of 1965 is amended to read:

5565. The alleged mentally ill person shall be present at the hearing and at the trial, if any, conducted pursuant to Sections 5560 and 5572 of this code. If he has no attorney, the judge may, and, if the alleged mentally ill person requests an attorney shall, appoint an attorney to represent him at either the hearing or the trial or both. If the court determines that the alleged mentally ill person is financially unable to employ an attorney, the judge shall either (1) order the public defender to represent the person, or (2) in a county where there is no public defender, fix reasonable compensation to be paid by the county for the services of a court-appointed attorney.

CHAPTER 1812

An act to amend Section 106.5 of the Agricultural Code, relating to plant quarantine inspection stations.

[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 106.5 of the Agricultural Code is amended to read:

106.5. Plant quarantine officers at plant quarantine inspection stations may ascertain the origin, quantity, and kinds of meat and meat products, poultry and poultry products, eggs, and livestock transported into or out of this state through such stations. The operator of any vehicle transporting those commodities into or out of the state through plant quarantine inspection stations shall stop and give this information upon request to plant quarantine officers at plant quarantine inspection stations. Such request may be by a sign openly displayed at such station or by any other means deemed by the director as effective.

The director may accept, on behalf of the state, donations of money from any person to defray the costs of the department under this section. All such moneys shall be paid into the State

Treasury and credited to the Department of Agriculture Fund. The director may limit expenditures under this section relating to livestock to the amounts so donated for this purpose, and shall limit expenditures under this section relating to poultry and poultry products and eggs to the amounts so donated for this purpose.

CHAPTER 1813

An act to amend Section 1229 of the Education Code, relating to unified school districts, 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 1229 of the Education Code is amended to read:

1229. If a unified district governed by a board of education of five members includes a chartered city, the charter of which provides for a board of education, the members of which are to be elected pursuant to this code and to hold office for the terms provided by this code, and three members of such board of education were elected to hold office for a term expiring during the school year commencing on the date the district was formed for all purposes, the office of three members of the board of education shall be filled at the first election of governing board members following such date of formation for all purposes.

The term of office of such three members shall be determined by lot. The term of one member shall expire on June 30th of the next succeeding odd-numbered year following his election; and the terms of two members shall expire on June 30th of the second succeeding odd-numbered year following their election. The persons elected to succeed such three members shall hold office for four years.

In a unified school district formed pursuant to Chapter 10 (commencing with Section 3100) of Division 5 which includes a chartered city, the governing board of the district shall be the board of education of such city or city and county; provided, that all qualified electors residing within the unified school district are eligible to vote at all elections held for the election of members of the city board of education and any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of said board.

In the event a unified district includes a chartered city the governing board of the unified district shall consist of either five or seven members and shall be elected at large or by trustee areas, as designated by the unification proposal, and

any elector residing in the district, or in a trustee area if the district is divided into trustee areas, is eligible to serve as a member of the board. The first governing board of any such unified school district shall be elected in the manner prescribed by Section 1102, except where the charter of the included chartered city expressly provides for the election of the first governing board of a newly formed unified school district, in which case such provisions of the charter shall control the election of the governing board.

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

The Legislature has stated in Chapter 10 (commencing with Section 3100) of Division 5 of this code (Stats. 1964, Ch. 132) that it is the intent and purpose of the Legislature that the procedures prescribed by the provisions of said chapter be utilized for the formation of unified school districts, and the Legislature has further prescribed in said chapter time limitations within which such unification shall be accomplished. In order to eliminate delay in the formation of unified school districts which include chartered cities it is necessary that this act take effect immediately.

CHAPTER 1814

An act to amend Section 4018.5 of the Penal Code and to add Sections 11151.5 and 17952 to the Education Code, relating to adult education programs for county prisoners.

[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 4018.5 of the Penal Code is amended to read:

4018.5. The sheriff or other official in charge of county correctional facilities may, subject to the approval of the board of supervisors, provide for the vocational training and rehabilitation of prisoners confined in the county jail, or any county industrial farm or county or joint county road camp. The sheriff or other official in charge of county correctional facilities may, subject to such approval, enter into an agreement with the governing board of any school district maintaining secondary schools, for the maintenance, by the district, for such prisoners, of adult education classes conducted pursuant to Article 12 (commencing with Section 6351) of Chapter 6 of Division 6 of the Education Code.

SEC. 2. Section 11151.5 is added to the Education Code, to read:

11151.5. In classes for adults maintained for adults in any county jail, or any county industrial farm or county or joint county road camp, a day of attendance is 180 minutes of attendance; but no pupil in such a class shall be credited with more than one day of attendance in any calendar day, nor with more than 15 clock hours of attendance during any one school week.

SEC. 3. Section 17952 is added to said code, to read:

17952. The Superintendent of Public Instruction shall allow to each school district maintaining secondary schools an amount equal to the actual current expense of the district of maintaining adult education classes for prisoners in any county jail, or any county industrial farm or county or joint county road camp for the current fiscal year. The amount so allowed to a district for each unit of average daily attendance in such classes shall in no event exceed the total of the amounts allowed to the district as basic state aid and state equalization aid for each unit of average daily attendance of the district exclusive of the average daily attendance of the district in classes for adults.

For purposes of this section, the Superintendent of Public Instruction shall, by rules and regulations, establish minimum standards for the conduct of the adult education classes, including, but not necessarily limited to, attendance requirements and requirements concerning records to be kept and reports to be submitted.

SEC. 4. The provisions of Section 17952 as added to the Education Code by Section 3 of this act shall be immediately operative and applicable to the computation of allowances and the apportionment of moneys from the State School Fund to school districts for the 1965–1966 fiscal year as though the said Section 17952 had been in effect and operative commencing on July 1, 1965. For such purposes, the Superintendent of Public Instruction shall have the power to undertake all measures necessary to insure that the affected school districts shall receive apportionments of moneys allowed under Section 17952 for the entire 1965–1966 fiscal year.

CHAPTER 1815

An act to amend Sections 288.1 and 3042 of, to amend and renumber Section 5077 of, and to add Section 5077 to, the Penal Code, relating to prisoners.

[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 288.1 of the Penal Code is amended to read:

288.1. Any person convicted of committing any lewd or lascivious act including any of the acts constituting other crimes provided for in Part 1 of this code upon or with the body, or any part or member thereof, of a child under the age of 14 years shall not have his sentence suspended until the court obtains a report from a reputable psychiatrist as to the mental condition of such person.

SEC. 2. Section 3042 of said code is amended to read:

3042. At least 30 days before the Adult Authority shall meet to consider the granting of a parole to any prisoner the authority shall send written notice thereof to the Director of Corrections and to each of the following persons who has made request therefor: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant and the district attorney and the sheriff of the county from which the prisoner was sentenced.

SEC. 2.5. Section 3042 of said code is amended to read:

3042. At least 30 days before the Adult Authority shall meet to consider the granting of a parole to any prisoner the authority shall send written notice thereof to the Director of Corrections and to each of the following persons who has made request therefor: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant and the district attorney of the county from which the prisoner was sentenced and the law enforcement agency that investigated the case.

SEC. 3. Section 5077 of said code is amended and renumbered to read:

5068. The Director of Corrections shall cause each person committed to a state prison to be examined and studied. This includes the investigation of all pertinent circumstances of his life and the antecedents of the violation of law because of which he has been committed to prison. Any person may be reexamined to determine whether exsting orders and dispositions should be modified or continued in force.

Upon the basis of the examination and study, the Director of Corrections shall classify prisoners and determine the prison in which the prisoners shall be confined.

Before the release of any person committed under the provisions of Section 288 of this code, the director shall provide the Adult Authority with a psychiatric or psychological evaluation of such person.

When diagnostic study of any other inmate so indicates, the director shall cause a psychiatric or psychological report to be prepared for the Adult Authority prior to release of such inmate.

Before the release of any inmate, the director shall provide the Adult Authority with a written evaluation of his readiness for release.

SEC. 4. Section 5077 is added to said code, to read:

5077. The granting and revocation of parole and the fixing of sentences shall be determined by the Adult Authority; pro-

vided, that the Adult Authority or one member thereof shall interview each prisoner at least once before the Adult Authority determines his sentence.

SEC. 5. Section 2 5 of this act shall become operative only if Senate Bill 247 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 247 takes effect; in which event Section 2 of this act shall not take effect.

CHAPTER 1816

An act to add Sections 9159, 9160 and 9161 to the Education Code, relating to curriculum publications.

[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 9159 is added to the Education Code, to read:

9159. If the county superintendent of schools has prepared or published basic courses of study and teachers' guides relating thereto, for use in connection with the teaching of any subject or curriculum, no unified school district in the county which had less than 5,000 units of average daily attendance during the preceding fiscal year exclusive of any attendance in a junior college operated by the district, no high school district in the county which had less than 5,000 units of average daily attendance during the preceding year exclusive of any attendance in a junior college operated by the district, and no elementary school district in the county which had less than 10,000 units of average daily attendance during the preceding year shall prepare or publish similar materials, but shall use the materials prepared or published by the county superintendent relating to the same subject matter. Upon application from the district governing board, a county board of education may grant to the district permission to develop basic courses of study or teachers' guides, or both, when the need for such district development has been demonstrated to the satisfaction of the county board of education.

Nothing contained in this section shall be construed as a restriction on individual classroom teachers in developing material to be used by them as a part of the instructional program under their direction

This section shall not apply to a countywide unified school district. This section shall become operative on July 1, 1966, except that any district which, as of June 30, 1965, was in the process of preparation or publication of basic courses of study and teachers' guides relating thereto for use in connection with the teaching of any subject or curriculum may complete the

preparation and publication of such basic courses of study and teachers' guides.

SEC. 2. Section 9160 is added to said code, to read:

9160. There is hereby authorized to be established in each county, on order of the county board of education, a county school publications review board. The county school publications review board shall consist of (a) the superintendent of each elementary, high school and unified school district, or his representative, under the jurisdiction of the county superintendent of schools, and (b) the county superintendent of schools, or his representative, who shall serve as chairman of the review board. The county school publications review board shall meet as often as is necessary to carry out its duties, pursuant to Section 9161.

SEC. 3. Section 9161 is added to said code, to read:

9161. The county school publications review board, if established by the county board of education, shall serve in an advisory capacity to the county board of education in its review of school district applications submitted pursuant to Section 9159. It shall further be the responsibility of the review board to screen all basic courses of study and teachers' guides and other curriculum publications published by the office of the county superintendent of schools and by the several school districts in the county, with the purpose of recommending to the county board of education ways and means of reducing the duplication of such material to the greatest extent possible. The review board may recommend to the county board of education that basic courses of study, teachers' guides and other curriculum publications published by individual school districts in the county be adopted for countywide use in lieu of a publication on the same subject by the county superintendent of schools. If such an arrangement is approved by the county board of education, the county school service fund may be used to finance the cost of the publication, through a contractual arrangement between the county superintendent of schools and the school district producing the publication.

CHAPTER 1817

An act to add Section 12800.5 to the Vehicle Code, relating to drivers' licenses.

[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 12800.5 is added to the Vehicle Code, to read:

12800.5. A license issued after the effective date of this section to any person under the age of 21 years shall bear a

photograph of the licensee in profile. A license issued to any person 21 years of age or over shall bear a fullface photograph of the licensee. If a person is issued a license while under 21 years of age, and such person reaches the age of 21 years before the license expires, the department shall issue to him, upon application therefor, a license bearing a fullface photograph, upon payment of the duplicate license fee specified in Section 14901.

The department may demand proof of age prior to the issuance of a license.

CHAPTER 1818

An act to add Section 816 to, and to add Article 13.3 (commencing with Section 995) to Chapter 1 of Part 2 of Division 1 of, the Insurance Code, relating to the business of 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 816 is added to the Insurance Code, to read:

816. No insurer shall pay any person given discretion as to settlement of claims under policies of automobile or automobile liability insurance, whether in direct negotiation with the claimant or in supervision of the person negotiating, a compensation which in any way is contingent upon the amount of settlement of such claims, except as in this section otherwise expressly provided.

This section shall apply equally to a single claim, a number of specified claims, an aggregate of claims during a specified period of time or an aggregate of claims under any contract, agreement or arrangement.

This section shall not affect the interpretation or provisions of Section 815.

The word "person" as used in this section includes, but is not limited to: employees, agents, brokers, representatives, general agents, managing general agents, surplus line brokers, insureds, coinsureds, adjusters and independent contractors but does not include attorneys in fact or other exclusive managers of an insurer.

This section does not apply to:

(a) Compensation of a producer, managing general agent, surplus line broker or general agent under any arrangement, agreement or contract whereby the producer or general agent is not granted discretion in the actual adjustment or settlement of any or all individual claims settled for an amount exceeding five hundred dollars ($500).

(b) A producer, managing general agent, surplus line broker or general agent who is compensated by a contingent

commission arrangement based wholly or partly on underwriting results, unless the arrangement guarantees an agreed return to the insurer which may exceed the underwriting profit actually earned by the insurer on business written through the producer, managing general agent, surplus line broker or general agent.

(c) Contracts of reinsurance between insurers.

(d) An arrangement, schedule of charges, agreement or contract, express or implied, for the adjustment of claims under which the compensation for the services of the person making the adjustment (exclusive of reimbursement for actual expenses) consistently increases, in reasonable brackets, as the amount paid in settlement of a claim increases.

An insurer which in any other jurisdiction is making payments which would be in violation of this section if made in respect to insurance business done in this state shall not be admitted to this state until it presents evidence satisfactory to the commissioner that it will not make such payments in this state and that it will within one year after admission to this state cease to make any such payments in any other jurisdiction and, within the same period, terminate any contract or arrangement under which such payments are to be paid. Failure to so cease such payments and to so terminate such contracts and arrangements within such period of one year shall constitute grounds for revocation of the insurer's certificate of authority.

SEC. 2. Article 13.3 (commencing with Section 995) is added to Chapter 1 of Part 2 of Division 1 of the Insurance Code, to read:

Article 13.3. Obligations of Automobile Insurers and Their Agents Under Contingent and Retrospective Compensation Arrangements

995. (a) As used in this article, "contingent compensation arrangement" means an arrangement having as its purpose the payment of a variable commission by the insurer, depending on the overall operating profit on the insurance business produced and handled by the payee, with other provisions of the arrangement auxiliary or incidental to such purpose.

(b) As used in this article, "retrospective commission arrangement" means an arrangement having as its purpose the retention by the insurer of a fixed proportion of the gross premiums, or gross premiums plus policy fees with the balance of the premiums, or premiums plus policy fees, retained by the producer of the business, who assumes to pay therefrom all losses, all subordinate commissions, loss adjustment expenses and his profit, if any, with other provisions of the arrangement auxiliary or incidental to such purpose.

(c) The phrases defined in subdivisions (a) and (b) of this section shall not be deemed to include a contingent commission

arrangement of a producer, managing general agent, surplus line broker, or general agent based wholly or partly on underwriting results, unless the arrangement guarantees an agreed return to the insurer which may exceed the underwriting profit actually earned by the insurer on business written through the producer, managing general agent, surplus line broker, or general agent.

(d) As used in this article, "policy fee" means any sum specified in the policy as paid, or payable, in addition to the specified premium, as a consideration for the policy; and does not include expenses customarily charged to the insured which are not recited in the policy.

(e) This article shall apply only to automobile and automobile liability insurance.

995.1. An agent, broker, surplus line broker, general agent or other person operating under a contingent or retrospective compensation arrangement with any insurer shall promptly notify the insurer of every policy claim against the insurer of which he has knowledge with sufficient particulars to enable the insurer to establish an adequate claim reserve. Every insurer so notified of a policy claim or receiving independent knowledge of any policy claim shall promptly make a record thereof and establish a claim reserve for the same.

If the commissioner has reason to believe such agent, broker, general agent or other person is not so notifying the insurer, he shall give the insurer seven days written notice of such belief and if the insurer does not correct the situation within seven days thereafter he may examine such agent, broker, general agent or other person at the expense of the insurer.

In the case of any arrangement whereby the producer receives from the insurer an initial percentage commission to be augmented if loss ratios or profits are more favorable than a stated standard, the insurer shall establish a contingent commission reserve for the amount, if any, which will become due to the producer because of such favorable loss ratios or profits.

Notwithstanding any provision of the contingent or retrospective arrangement, such claims and contingent commission reserves shall be a liability of the insurer.

Nothing contained in this section is intended to prohibit reasonable arrangements between a managing general agent, surplus line broker or general agent and an insurer which provide (a) for the amount of claim reserve to be recommended by the managing general agent, surplus line broker or general agent to the insurer, without particulars other than those needed by the insurer to establish the claim reserve on its books, or (b) for the handling of claim reserves on smaller claims of not more than two thousand dollars ($2,000) each on a bulk or group basis, upon recommendation of the amount by the managing general agent, surplus line broker or general agent, or (c) for the handling of losses not exceeding five hundred dollars ($500) each by the managing general agent, surplus line broker or general agent without establishment of

claim reserves, or (d) for the reporting of losses and recommended reserves by the managing general agent, surplus line broker, or general agent on a monthly basis.

995.2. An insurer shall not claim as an asset by reason of any provision of a contingent or retrospective compensation arrangement, any account due from the other party pursuant to such an arrangement in an amount in excess of the money actually held by such party in a trusteed bank account for such insurer, unless such party is solvent without giving effect to any contingent or retrospective compensation not specifically acknowledged in writing by the insurer as settled in amount and payable in cash, or usable as an absolute offset against the insurer, within 90 days.

If the commissioner has reason to doubt the solvency of any person dealing with an insurer under a contingent or retrospective commission arrangement, he may examine him at the expense of the insurer.

Nothing contained in this section is intended to modify any provision contained in Section 1735 of this code.

995.3. Every person operating under a retrospective or contingent compensation arrangement with any insurer shall report to the insurer within a reasonable time, and policy by policy, the full premium charge including any policy fee made to the insured and the amount of premium and policy fee, if any, collected from the insured in respect to each such policy. Such reporting need not be policy by policy in a case where such arrangement covers only policies which are all uniform in coverage, uniform as to premium and such premium is not over ten dollars ($10) annually.

If the commissioner has reason to believe any such person is not complying with this section, he shall give the insurer seven days written notice of such belief and if the insurer does not correct the situation within seven days thereafter, he may examine such person at the expense of the insurer.

Nothing contained in this section is intended to prohibit or invalidate use of the bordereau method of accounting or accounting by transmission of computer data by a managing general agent, surplus line broker, or general agent, nor to require him to report premium collections to an insurer where the managing general agent, surplus line broker, or general agent is liable to pay the insurer bordereau or accounting balances in full whether collected or not.

995.4. An insurer, notwithstanding the provisions of any contingent or retrospective compensation arrangement with any person, shall maintain as a liability, as part of its unearned premium reserve the unearned portion of all premium charges made to insureds without deduction for uncollected charges.

995.5. An insurer, notwithstanding the provisions of any contingent or retrospective compensation arrangement with any person, shall report and pay the premium tax liability set forth in the Revenue and Taxation Code on the basis that it

has received the full premium charge including policy fees made to the insureds under policies less return premiums as permitted by law.

995.6. The provisions of Sections 995.1, 995.2, and 995.3 permitting the commissioner, in certain situations, to examine a person operating under a contingent or retrospective commission arrangement with an insurer at the expense of the insurer, and the other provisions of this article, shall not prevent the insurer from making a contract in advance with such person that in such event the person will reimburse the insurer for such expense. If in the course of examining such person the commissioner finds such person also operates under such contingent or retrospective commission arrangements with other insurers, he may prorate the expense of examination on an equitable basis among all the insurers so dealing with the person.

995.7. The purposes of Section 816 and the provisions of this article are to promote the solvency of insurers and the producers dealing with them under contracts, arrangements and practices therein described; to protect the public from unjustifiable claims practices and the inconvenience, hardship and possible loss attendant upon the insolvency of any of the insurers or persons described therein; and to prevent any frauds or mistakes which may arise from any of the contracts, arrangements or practices described therein. In furtherance of these purposes the commissioner shall at least 90 days prior to charging any person with a violation of Section 816 or the provisions of this article make reasonable rules and regulations clarifying or defining any word, term or phrase used in Section 816 or in this article, including establishment of detailed standards to determine solvency as that word is used in Section 995.2. Such rules and regulations shall be adopted, amended or repealed in accordance with the procedures provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 1819

An act to amend Section 13364 of, and to add Section 12812 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 12812 is added to the Vehicle Code, to read:

12812. In the event that a driver is presumed to be a negligent operator as defined in Section 12810, the department may as a condition of probation issue a restricted driver's license to

permit him to drive a commercial vehicle while in the course of his employment during specified hours of employment or any other restrictions as determined by the department. Such restrictions shall be noted on the driver's license.

SEC. 2. Section 13364 of said code is amended to read:

13364. The department, upon receiving a record of the conviction of any person upon a charge of violating Section 14601:

(a) Shall suspend or revoke the driving privilege of the person for an additional period, not to exceed 12 months, equal to any term of suspension or revocation in effect at the time of the violation. The suspension or revocation shall be made effective upon the date of conviction.

(b) May suspend for a period not to exceed six months if the conviction was upon a charge of driving while the driving privilege was revoked or suspended for an indeterminate period or, during a period of suspension or revocation in which the termination is dependent upon an action by the person suspended or revoked.

CHAPTER 1820

An act to amend Sections 27132 and 27146 of, and to add Sections 27133.5 and 27145.5 to, the Education Code, relating to grants to public libraries.

[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 27132 of the Education Code is amended to read:

27132. All grants shall be made according to the provisions of this chapter and the terms of the written contracts entered into between the respective public agencies and the State Librarian. These contracts, for establishment and per capita grants, shall, among other things:

(a) Specify the public agency or agencies to which payment is to be made, and the purposes for which the grants are to be expended.

(b) Specify the amount, time, and manner of payment.

(c) Specify that payment is to be conditioned upon receipt by the board of any progress report from the system, if it is one which has been requested for submission by the date of payment by the State Librarian.

(d) Specify that the grant can be expended only in augmentation, and not in lieu of, local appropriations.

(e) Specify that all requirements of Section 27131 shall be met.

(f) Specify that if no state grants are made the public agencies will not be bound to follow any of the provisions of the contract.

SEC. 2. Section 27133.5 is added to said code, to read:

27133.5. The percentage limitation expressed in Section 27133 shall be increased for the indicated fiscal years as follows; to 4 percent in 1966–67, to 6 percent in 1967–68, to 8 percent in 1968–69 and to 10 percent in 1969–70.

SEC. 3. Section 27145.5 is added to said code, to read:

27145.5. Notwithstanding Section 27145, for the two-year period ending June 30, 1967 annual per capita grants shall be made for each library system which meets the minimum standards specified in Article 6 as follows:

1. When the average population per square mile of the area served by the system is 100 or more a grant of sixteen cents ($0.16) for each person residing in the area.

2. When the average population per square mile of the area served by the system is between 50 and 100 a grant of thirty-two cents ($0.32) for each person residing in the area.

3. When the average population per square mile of the area served by the system is 50 or less a grant of eighty cents ($0.80) for each person residing in the area.

SEC. 5. Section 27146 of said code is amended to read:

27146. If a public agency or two or more public agencies desiring to form a consolidated or cooperative system, applying for grants is unable to meet all of the minimum standards of Section 27131, the public agency or agencies may submit to the State Librarian a plan of service officially adopted by the public agency or agencies concerned for meeting all of the standards within a period of two completed fiscal years, the plan to indicate how much progress towards meeting the standards it is anticipated will be achieved each year. The State Librarian may then approve grants in the full amount to which the public agencies would be eligible were they to meet all standards, subject to the condition that a review will be made by the State Librarian of the provisional annual reports for the library systems, and that the second annual per capita grant will be contingent upon satisfactory achievement of the goals set up for the first fiscal year, according to the plan of service.

SEC. 6. Section 2 of this act shall not be operative unless the Legislature enacts a formula to insure that factors such as need, effort and ability shall govern the apportionment of state aid under Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code. To the end that a continuing program of assistance to public library systems for the development and improvement of public library service based upon ability, effort and need may be developed, the Legislature directs the State Librarian with the cooperation of the Chairmen of the Senate and Assembly Committees on Education, a representative of the Joint Legislative Budget Committee, a representative of the Department of Finance, a representative of the Public Library Development Board, and a representative each from the California Library Association, the League of California Cities, and the County Supervisors

Association of California, to develop a formula based upon ability, effort and need, for the apportionment of state financial aid to public library systems, and to transmit recommendations, including proposed legislation, to the Legislature on or before the second legislative day of the 1966 Regular (Budget) Session. Section 2 of this act shall take effect on the date on which legislation specifying such formula becomes effective.

CHAPTER 1821

An act to add Sections 7327, 7328, and 7430.5 to the Business and Professions Code, relating to the practice of cosmetology.

[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 7327 is added to the Business and Professions Code, to read:

7327. The board may commence an action to enjoin the violation of any provision of this chapter in any court of competent jurisdiction. Any such action shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the board shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable damage or loss. The action shall be brought in the name of the people of the State of California.

SEC. 2. Section 7328 is added to said code, to read:

7328. The board is vested with authority to adopt such rules and regulations as it may in its discretion deem necessary in the public interest, health or welfare with respect to advertising deemed by it to be false or misleading or likely to be false or misleading.

SEC. 3. Section 7430.5 is added to said code, to read:

7430.5. No cosmetological establishment or school of cosmetology shall in any manner represent or permit a representation to be made on its behalf that its place of business is a barbershop, whether made by use of a display of a device similar to a barber pole or otherwise; requirements and limitations hereof shall apply notwithstanding the performance in such places of business of services by persons licensed under Chapter 6 (commencing with Section 6500) of Division 3 of this code.

The Legislature finds and declares that the use or display of a barber pole or similar device by any licensee under this chapter, within its premises, in advertising, or otherwise, is false and misleading and not in the public interest and the board is authorized to adopt such rules and regulations deemed

by it appropriate to implement, execute and make more specific this declaration of intent.

SEC. 4. Sections 1, 2, and 3 of this act shall remain in effect until two years from the effective date of this act, and shall have no force or effect after that date.

CHAPTER 1822

An act to amend Sections 4008.2, 4008.3, 4008.4, 4009, 4036, 4036.1, 4051, 4080, 4084, 4093, 4095, 4096, 4124, 4227, 4227.5, 4232, 4234, 4238, 4359, 4360, 4385, 4386, 4387, 4390, and 4393 of, to amend and renumber Sections 4212, 4214, 4221, 4221.5, and 4230.5 of, to add Sections 4035, 4035.2, 4035.3, 4350, 4350.5, 4351, 4353, 4354, 4358, 4362, 4363, 4364, 4365, and 4391 to, and to repeal Sections 4035, 4082, 4083, 4210, 4215, 4216, 4217, 4218, 4219, 4237, 4350, 4351, 4352, 4353, 4354, 4356, 4357, 4358, 4361, 4383 and 4391 of, the Business and Professions Code, relating to the practice of pharmacy.

[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 4008.2 of the Business and Professions Code is amended to read:

4008.2. The board may by rule or regulation adopt, amend, or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of integrity and dignity in the profession.

The adoption, amendment, or repeal of such rules or regulations shall be made 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.

Every person who holds a certificate, license, permit, registration or exemption issued by the board shall be governed and controlled by the rules of professional conduct adopted by the board.

SEC. 2. Section 4008.3 of said code is amended to read:

4008.3. The rules of professional conduct adopted by the board shall be printed as a part of the application for certificates, licenses, permits, registration or exemptions and for renewals thereof, and every applicant shall subscribe thereto when making an application.

SEC. 2.5. Section 4008.4 of said code is amended to read:

4008.4. Nothing contained in Sections 4008.2 and 4008.3 shall be construed as authorizing the board to adopt rules of professional conduct relating to price fixing or advertising of commodities.

Nothing contained in Section 4008 and 4008.2 shall be construed as authorizing the board to adopt any rule or regu-

lation which would require that a registered pharmacist personally perform clerical, inventory control, housekeeping, maintenance, or similar functions for which the education, experience, training and specialized knowledge of a registered pharmacist are not reasonably required, except that rules and regulations may require that such functions be performed only under the effective supervision of a registered pharmacist who shall be responsible for the adequacy and accuracy of the performance of such functions.

SEC. 3. Section 4009 of said code is amended to read:

4009. The board may institute such action or actions as may be provided by law and which, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs which do not conform to the standard and tests as to quality and strength, provided in the latest edition of the United States Pharmacopoeia or the National Formulary, or which violate any provision of the California Pure Drugs Act (Chapter 2 (commencing with Section 26200) of Division 21 of the Health and Safety Code).

SEC. 4. Section 4035 of said code is repealed.

SEC. 5. Section 4035 is added to said code, to read:

4035. Pharmacy is an area, place or premises in which the profession of pharmacy is practiced and where prescriptions are compounded. "Pharmacy" means and includes but is not limited to any area, place or premises described in a permit issued by the board by reference to plans filed with and approved by the board wherein narcotics or dangerous drugs or dangerous devices, as they are herein defined, are stored, possessed, prepared, manufactured, derived, compounded or repackaged, and from which said narcotics or dangerous drugs or dangerous devices are furnished, sold, or dispensed at retail.

"Pharmacy" shall not include any area in a facility licensed by the Bureau of Hospitals of the State Department of Public Health where floor supplies, ward supplies, operating room supplies, or emergency room supplies of drugs or dangerous devices are stored or possessed solely for treatment of patients registered for treatment in the facility or for treatment of patients receiving emergency care in the facility.

"Narcotics or dangerous drugs or dangerous devices" as used herein shall include but is not limited to all narcotics, drugs or devices which are included within one or more of the following classifications:

(a) Drugs or devices bearing the legend, "Caution, federal law prohibits dispensing without prescription," or words of similar import.

(b) Narcotics as defined by Sections 11001 and 11002 of the Health and Safety Code.

(c) Drugs or devices enumerated in Section 4211 of this code.

(d) Drugs or devices heretofore or hereafter classified as dangerous by the board pursuant to Sections 4061 and 4240 of this code.

(e) Poisons, hypodermic syringes and needles, or other drugs or devices, the sale of which is restricted by law to a registered pharmacist.

All pharmacies in existence on the effective date of this section shall comply with the provisions of this section within five years following the effective date thereof.

SEC. 6. Section 4035 2 is added to said code, to read:

4035.2. No person other than a registered pharmacist as defined in Section 4037 or an authorized officer of the law or a person authorized to prescribe as provided by Section 4036 shall be permitted in that area, place or premises described in the permit issued by the board pursuant to Section 4035 wherein narcotics or dangerous drugs or dangerous devices as therein defined are stored, possessed, prepared, manufactured, derived, compounded, or repackaged, except that a registered pharmacist shall be responsible for any individual who enters the pharmacy as described in Section 4035 for the purpose of performing clerical, inventory control, housekeeping, delivery, or maintenance work relating to the pharmacy, if the registered pharmacist remains present in the pharmacy during all times as such authorized individual is present.

The board may by regulation establish reasonable security measures consistent with this section in order to prevent unauthorized persons from gaining access to such area, place or premises or to the narcotics or dangerous drugs or dangerous devices therein.

All pharmacies in existence on the effective date of this section shall comply with the provisions of this section within five years following the effective date thereof or upon compliance with Section 4035, whichever occurs first.

SEC. 6.5. Section 4035.3 is added to said code, to read:

4035.3. No person other than a registered pharmacist as defined in Section 4037 or an authorized officer of the law or a person authorized to prescribe as provided by Section 4036, or a registered nurse, or a licensed vocational nurse or a person authorized by the registered pharmacist in charge to perform clerical, inventory control, housekeeping, delivery, or maintenance work relating to the pharmacy shall be permitted in that area, place or premises described in the permit issued by the board to a licensed or county hospital as such institutions are defined by Section 4047 of this code wherein narcotics or dangerous drugs or dangerous devices as defined by Section 4035 are stored, possessed, prepared, manufactured, derived, compounded, or repackaged.

SEC. 7. Section 4036 of said code is amended to read:

4036. "Prescription" means an oral order given individually for the person for whom prescribed, directly from the prescriber to the furnisher, or indirectly by means of a written order, signed by the prescriber, and shall bear the name and

address of the prescriber, his license classification, the name and address of the patient, the name and quantity of the drug prescribed, directions for use, and the date of issue. No person other than a physician, dentist, podiatrist or veterinarian shall prescribe or write a prescription.

Except as provided in Section 4036.1 an oral prescription shall as soon as practicable be reduced to writing by the pharmacist and shall be filed by, or under the direction of, the pharmacist.

SEC. 7.5. Section 4036.1 of said code is amended to read:

4036.1. An "order," entered on the chart or medical record of a patient registered in a hospital or a patient under emergency treatment in the hospital, by or on the order of a practitioner authorized by law to prescribe drugs, shall be authorization for the administration of such drug from hospital floor or ward stocks furnished by the hospital pharmacy or under licensure granted under Section 4052.1, and shall be considered to be a prescription if such medication is to be furnished directly to the patient by the hospital pharmacy or another pharmacy furnishing prescribed drugs for hospital patients; provided that the chart or medical record of the patient contains all of the information required by Section 4036 and the order is signed by the practitioner authorized by law to prescribe drugs, if he is present when the drugs are given, or if he is not present, then on his next visit to the hospital.

SEC. 8. Section 4051 of said code is amended to read:

4051. This chapter does not apply to or interfere with anyone who holds a physician's and surgeon's certificate or certificate to practice podiatry and who is duly registered as such by the Board of Medical Examiners or the Board of Osteopathic Examiners of this state, with furnishing his own patients with such remedies as are necessary in the treatment of the condition for which he attends such patient if he acts as their physician and is employed by them as such and if he does not keep a pharmacy, open shop or drugstore, advertised or otherwise, for the retailing of drugs or poisons, and provided such person keeps accurate records of drugs furnished and that such drugs may not be furnished by a nurse or attendant.

SEC. 9. Section 4080 of said code is amended to read:

4080. No person shall conduct a pharmacy in the State of California unless he has obtained a certificate, license, permit or registration from the board. Each certificate, license, permit or registration shall be required for each place of business owned or operated by a specific person. Separate certificates, licenses, permits or registrations shall be required for each of the premises of any business establishment having more than one location. Such certificate, license, permit or registration shall be renewed annually on or before November 1 of each year and shall not be transferable.

SEC. 10. Section 4082 of said code is repealed.

SEC. 11. Section 4083 of said code is repealed.

SEC. 12. Section 4084 of said code is amended to read:

4084. No person shall act as a wholesaler or manufacturer unless he has obtained a certificate, license, permit, registration or exemption from the board. Each application shall be made on a form furnished by the board. Upon approval thereof by the board and the payment of the required fee, the board shall issue a certificate, license, permit, registration or exemption to such applicant.

Each certificate, license, permit, registration or exemption shall be required for each place of business owned or operated by a specific person. Separate certificates, licenses, permits, registrations or exemptions shall be required for each place of business owned or operated by a manufacturer or wholesaler, and shall be renewed annually before the first day of January of each year.

SEC. 13. Section 4093 of said code is amended to read:

4093. Every person holding a certificate, license, permit, registration or exemption issued under the provisions of this chapter shall keep the original certificate, license, permit, registration or exemption displayed in a transparent container upon the licensed premises and in a place where it may be clearly read by the purchasing public.

SEC. 14. Section 4095 of said code is amended to read:

4095. The board shall not reissue any certificate, license, permit, registration or exemption without the payment of the fees required by this chapter and the payment of all fees that are delinquent at the time that the application is made.

SEC. 15. Section 4096 of said code is amended to read:

4096. If any certificate, license, permit, registration or exemption issued under the provisions of this chapter is lost or destroyed, or if any person desires a reissuance of his certificate, license, permit, registration or exemption, the board may reissue it, subject to the provisions of Section 4095, upon application therefor, and the submission of satisfactory proof, if required by the board, that the certificate, license, permit, registration or exemption has been lost or destroyed, or if the certificate, license, permit, registration or exemption has not been lost or destroyed, upon the surrender of the old certificate, license, permit, registration or exemption.

SEC. 16. Section 4124 of said code is amended to read:

4124. Upon receipt of the license fee provided in Section 4122, and upon the filing of the application therefor, and upon approval by the board, the board may issue a license to the applicant, authorizing him to conduct the business of itinerant vendor within this state, until the first day of January of the year next ensuing.

SEC. 17. Section 4210 of said code is repealed.

SEC. 18. Section 4212 of said code is amended and renumbered to read:

4048.5. "Furnish" means to supply by any means, by sale or otherwise.

SEC. 19. Section 4214 of said code is amended and renumbered to read:

4049. "Dispense" means the furnishing of drugs upon a prescription from a physician, dentist, podiatrist or veterinarian or upon a hypnotic order form.

SEC. 20. Section 4215 of said code is repealed.

SEC. 21. Section 4216 of said code is repealed.

SEC. 22. Section 4217 of said code is repealed.

SEC. 23. Section 4218 of said code is repealed.

SEC. 24. Section 4219 of said code is repealed.

SEC. 25. Section 4221 of said code is amended and renumbered to read:

4049.5. "Authorized officers of the law" means legally empowered peace officers including inspectors of the State Board of Pharmacy and of the State Bureau of Food and Drug Inspection.

SEC. 26. Section 4221.5 of said code is amended and renumbered to read:

4014. All authorized officers of the law, while investigating violations of this chapter in performance of their official duties, and any person working under their immediate direction, supervision, or instruction are immune from prosecution under this chapter.

SEC. 27. Section 4227 of said code is amended to read:

4227. No person shall furnish any dangerous drug, other than any hypnotic drug, except upon the prescription of a physician, dentist, podiatrist or veterinarian.

The provisions of this section do not apply to the furnishing of any dangerous drug, other than any hypnotic drug, by a manufacturer or wholesaler or pharmacy to each other or to a physician, dentist, podiatrist or veterinarian or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity.

No person shall furnish any hypnotic drug except upon the prescription of a physician, dentist, podiatrist or veterinarian, or upon the receipt of a properly executed official hypnotic drug purchase order form.

A record of the hypnotic drug administered by any person exempt under Section 4225 shall be kept stating the date, name and address of the patient, name and amount of the drug administered. The provisions of this section with respect to the keeping of records do not apply when hypnotic drugs are combined or compounded with medicinal drugs which render such combination or compound unfit for hypnotic use.

SEC. 28. Section 4227.5 of said code is amended to read:

4227.5. Every furnisher shall retain for three years after any purchase by him of any preparation included in subdivision (c) of Section 4211 the copy of the invoice or other record of merchandise received by him. Such invoices or other records shall be open to inspection by authorized of-

ficers of the law, at all times during business hours, and shall be produced on demand.

SEC. 29. Section 4230.5 of said code is amended and renumbered to read:

4390.5. Every person who, in order to obtain any drug or poison, falsely represents himself to be a physician or other person who can lawfully prescribe such drug, or falsely represents that he is acting on behalf of a person who can lawfully prescribe such drug or poison, in a telephone communication with a registered pharmacist, shall be punished by imprisonment in the county jail for not more than one year.

SEC 30 Section 4232 of said code is amended to read:

4232. All records of manufacture and of sale, purchase or disposition of dangerous drugs shall be at all times, during business hours, open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, except as provided in Section 4226.5 of this code, physician, dentist, podiatrist, veterinarian, laboratory, or a clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 3 (commencing with Section 1620) of Division 2 of, Chapter 2 (commencing with Section 2300) of Division 3 of, or Part 2 (commencing with Section 5699) of Division 6 of the Welfare and Institutions Code who maintains a stock of dangerous drugs.

Any person who fails, neglects, or refuses to maintain such records or who, when called upon by an authorized officer or a member of the board, fails, neglects or refuses to produce such records within a reasonable time, or who willfully produces or furnishes records which are false, is guilty of a misdemeanor.

SEC. 31. Section 4234 of said code is amended to read:

4234. Every person who violates any provision of this article by use of a minor as an agent is guilty of a felony.

Every person who violates any provision of this article by unlawfully furnishing any dangerous drug to a minor is guilty of a felony punishable by imprisonment for not less than one year and not more than five years.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

SEC. 32. Section 4237 of said code is repealed.

SEC. 33. Section 4238 of said code is amended to read.

4238. A conviction of the violation of any of the provisions of this article shall constitute grounds for the suspension or revocation of any certificate, license, permit, registration or exemption issued to such person under any of the provisions of the Business and Professions Code of the State of California or under the provisions of this article. The proceedings for

suspension or revocation shall be conducted in accordance with the Administrative Procedure Act, Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 34. Section 4350 of said code is repealed.

SEC. 35. Section 4350 is added to said code, to read:

4350. Every certificate, license, permit, registration or exemption issued may be suspended or revoked. The board shall refuse a certificate, license, permit, registration or exemption to any applicant guilty of unprofessional conduct. The proceedings under 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. Such action shall be final, except that the propriety of such action is subject to review by the superior court.

SEC. 36. Section 4350.5 is added to said code, to read:

4350.5 The board shall take action against any holder of a certificate, license, permit, registration or exemption, who is guilty of unprofessional conduct which has been brought to its attention, or whose certificate, license, permit, registration or exemption has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include but is not limited to the 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 or of the laws governing pharmacy, or of regulations established by the board. Unprofessional conduct shall also include but is not limited to the following:

(a) Gross immorality.

(b) Gross incompetence.

(c) The commission of any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

(d) Gross negligence.

(e) Actions or conduct which would have warranted denial of a certificate, license, permit, registration or exemption.

SEC. 37. Section 4351 of said code is repealed.

SEC. 38. Section 4351 is added to said code, to read:

4351. Knowingly making or signing any certificate or other document which falsely represents the existence or nonexistence of a state of facts constitutes unprofessional conduct within the meaning of this chapter.

SEC. 39. Section 4352 of said code is repealed.

SEC. 40. Section 4353 of said code is repealed.

SEC. 41. Section 4353 is added to said code, to read:

4353. The administering to himself, of any of the narcotics specified by Sections 11001 and 11002 of the Health and Safety Code, or the use of any of the dangerous drugs specified by 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, license, permit, registration or exemption 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 a certificate, license, permit, registration or exemption to conduct with safety to the public the practice authorized by such certificate, license, permit, registration or exemption 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. 42. Section 4354 of said code is repealed.

SEC. 43. Section 4354 is added to said code, to read:

4354. The conviction of either (1) a felony or (2) any offense, misdemeanor or felony, involving moral turpitude constitutes unprofessional conduct within the meaning of this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if such conviction is of an offense involving moral turpitude. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this section. The board may order the certificate, license, permit, registration or exemption suspended or revoked, or may decline to issue a certificate, license, permit, registration or exemption, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 44. Section 4356 of said code is repealed.

SEC. 45. Section 4357 of said code is repealed.

SEC. 46. Section 4358 of said code is repealed.

SEC. 47. Section 4358 is added to said code, to read:

4358. The conviction of or cash compromise of a charge of violation of the Harrison Act regulating narcotics, or the conviction of a violation of the statutes of this state, regulating narcotics, or dangerous drugs, constitutes unprofessional conduct within the meaning of this chapter. The record of the conviction or compromise is conclusive evidence of such unprofessional conduct. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The board may order the certificate, license, permit, registration or exemption suspended or revoked, or may decline to issue a certificate, license, permit, registration or exemption, when the time for appeal

has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 48. Section 4359 of said code is amended to read:

4359. The board shall discipline the holder of any certificate, license, permit, registration or exemption issued by the board, 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, license, permit, registration or exemption.

(e) Taking such other action in relation to disciplining him as the board in its discretion may deem proper.

Such action shall be final except that the propriety of such action is subject to review by the superior court.

SEC. 49. Section 4360 of said code is amended to read:

4360. A person whose certificate, license, permit, registration or exemption has been revoked or suspended for more than one year, may petition the board to reinstate the certificate, license, permit, registration or exemption 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 holders of certificates, licenses, permits, registrations or exemptions issued 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, license, permit, registration or exemption was in good standing, and his general reputation for truth, profes-

sional ability and good character. The affirmative vote of at least five members of the board is necessary to set aside a penalty and to restore a certificate, license, permit, registration or exemption 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 executive secretary 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 Department of Professional and Vocational Standards. The Department of Professional and Vocational Standards shall make such changes on its records as may be necessary.

SEC. 50. Section 4361 of said code is repealed.

SEC. 51. Section 4362 is added to said code, to read:

4362. Knowingly selling, furnishing, giving away or administering or offering to sell, furnish, give away or administer any of the drugs or compounds mentioned in Section 4353 to a habitué or addict constitutes unprofessional conduct within the meaning of this chapter.

SEC. 52. Section 4363 is added to said code, to read:

4363. The violation of any of the statutes of this state regulating narcotics and dangerous drugs constitutes unprofessional conduct within the meaning of this chapter.

SEC. 53. Section 4364 is added to said code, to read:

4364. Immediately upon the denial of any application for a certificate, license, permit, registration or exemption, the board shall notify the applicant in writing. Within 10 days after the board mails the notice, the applicant may present his written petition for such certificate, license, permit, registration or exemption to the board. Upon receipt by the board of such written petition, proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 54. Section 4365 is added to said code, to read:

4365. The board may deny, suspend or revoke any certificate, license, permit, registration or exemption of a corporation where conditions exist in relation to any person holding 10 percent or more of the corporate stock of such corporation, or where conditions exist in relation to any officer or director of such corporation which would constitute grounds for disciplinary action against such person if he was a licensee.

SEC. 55. Section 4383 of said code is repealed.

SEC 56. Section 4385 of said code is amended to read:

4385. Any person who permits the compounding or dispensing of prescriptions, or the furnishing of drugs or poisons in his pharmacy, except by a registered pharmacist, is guilty of a misdemeanor.

SEC 57 Section 4386 of said code is amended to read:

4386. Any person who has obtained a certificate, license, permit or registration to conduct a pharmacy, who fails to place in charge of such pharmacy a registered pharmacist, or any such person, who by himself, or by any other person, permits the compounding or dispensing of prescriptions, or the furnishing of drugs or poisons, in his pharmacy, except by a registered pharmacist, is guilty of a misdemeanor.

SEC. 58. Section 4387 of said code is amended to read:

4387. Any person, not being a registered pharmacist, who takes charge of, or acts as manager of any pharmacy, or who, not being a registered pharmacist compounds or dispenses a prescription or furnishes drugs or poisons is guilty of a misdemeanor.

SEC. 59. Section 4390 of said code is amended to read:

4390. Every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of a forgery and upon conviction thereof shall be punished by imprisonment in the state prison for not less than 1 year nor more than 14 years, or by imprisonment in the county jail for not more than 1 year.

Every person who has in his possession any drugs secured by such forged prescription shall be punished by imprisonment in the state prison for not less than one year nor more than six years, or by imprisonment in the county jail for not more than one year.

SEC. 60. Section 4391 of said code is repealed.

SEC. 61. Section 4391 is added to said code, to read:

4391. No building shall have upon it or displayed within it or affixed to or used in connection with it a sign bearing the word or words "Pharmacist," "Pharmacy," "Apothecary," "Drugstore," "Druggist," "Drugs," "Medicine," "Medicine Store," "Drug Sundries," "Remedies," or any word or words of similar or like import; or the characteristic symbols of pharmacy; or the characteristic prescription sign (℞) or similar design, unless there is upon or within the building a pharmacy holding a permit issued by the board pursuant to Section 4080 of this code.

SEC. 62. Section 4393 of said code is amended to read:

4393. No manufacturer or wholesaler shall furnish any drugs to any unauthorized persons.

CHAPTER 1823

An act to add Article 10 (commencing with Section 25180) to Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code, relating to county boards of supervisors.

[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 10 (commencing with Section 25180) is added to Chapter 1 of Part 2 of Division 2 of Title 3 of the Government Code, to read:

Article 10. Compensation

25180. In enacting this article, the Legislature recognizes the public policy of this state, that decisions on a matter purely of local concern should be made by the citizens directly affected by that decision.

Being desirous of protecting the principle of home rule, and recognizing the importance of the process of determining suitable compensation for public service, the Legislature provides in this article for an appropriate expression of the view of local authorities as a basis for increase of the compensation of members of boards of supervisors.

25181. In addition to the recommendation of the grand jury of a county made pursuant to Section 927 of the Penal Code, the board of supervisors of a county for which an increase of compensation is proposed, shall transmit to the Legislature a resolution expressing the conclusion of the board of supervisors with respect to such matter, in order to provide the Legislature with a basis for informed legislative action.

CHAPTER 1824

An act to amend Section 225p of the Civil Code, and to amend Section 1642 of the Welfare and Institutions Code and Section 16102 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session, relating to adoptions.

[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 225p of the Civil Code is amended to read:

225p. Whenever a petition is filed for the adoption of a child who has been placed for adoption by a licensed county

adoption agency, the county adoption agency may, at the time of filing a favorable report in the superior court, require the persons petitioning to become the adoptive parents to pay to the county agency, as agent of the state, a fee of five hundred dollars ($500). The amount of the fee collected which exceeds three hundred dollars ($300) shall be placed in a special deposit fund for the purpose of providing for the expense of prenatal care, delivery and postnatal care of mothers pursuant to Section 1642 of the Welfare and Institutions Code. No part of the expense shall be paid if application for maternity care assistance is made more than 30 days after birth of the child. The county adoption agency may defer, waive or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child.

Nothing in this section shall be construed to require the payment of such fee to a county in the case of an adoption resulting from the independent placement of a child.

SEC. 2. Section 1642 of the Welfare and Institutions Code is amended to read:

1642. Any county maintaining a licensed county adoption agency may enter into an agreement with a licensed physician and surgeon, a hospital operated by the Regents of the University of California, or a licensed hospital other than a county hospital to pay all or part of the expense of prenatal care, delivery and postnatal care including hospitalization in connection therewith given to any mother, when such mother is in the opinion of the licensed county adoption agency financially unable to provide such care.

Nothing in this section shall be construed as to require the execution of any agreement on the part of the county. No agreement to pay shall be entered into, nor shall the expense of such care be paid by any county or licensed county adoption agency unless the mother has requested such county agency to study the child with a view to accepting a relinquishment for adoptive placement.

SEC. 3. Section 16102 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session is amended to read:

16102. Any county maintaining a county adoption agency may enter into an agreement with a physician and surgeon, a hospital operated by the Regents of the University of California, or a licensed hospital other than a county hospital, to pay all or part of the expense of prenatal care, delivery, and postnatal care including hospitalization in connection therewith, given to any mother, when such mother is in the opinion of the county adoption agency financially unable to provide such care.

Nothing in this section shall be construed as to require the execution of any agreement on the part of the county. No agreement to pay shall be entered into, nor shall the expense of such care be paid, by any county or county adoption agency,

unless the mother has requested such county agency to study the child with a view to accepting a relinquishment for adoptive placement.

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 1642 of the Welfare and Institutions Code as amended by Section 2 of this act is repealed.

CHAPTER 1825

An act to amend Sections 14901 and 14903 of the Government Code, relating to the State Printer.

[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 14901 of the Government Code is amended to read:

14901. To the end that the policy specified in Section 14900 may be effectively carried out, the State Printer shall print two hundred fifty (250) copies of each state publication unless the Department of Finance with the advice of the State Librarian determines that a lesser number will meet the requirements for deposit in a "library stockroom" (to be maintained by the State Printer for that purpose) for distribution to libraries as hereinafter provided, except that of legislative bills, daily journals, and daily or weekly histories, only one hundred (100) copies shall be printed for such deposit and distribution, and of publications not printed by the State Printer, the department, commission or other agency concerned shall print one hundred (100) copies for such distribution. An additional two (2) copies of each state publication as selected by the State Archivist shall be printed and delivered to the State Archivist by the State Printer or the department, commission, or other agency concerned, and all remaining copies in excess of two (2) copies heretofore received shall be distributed to interested parties without charge or destroyed. The cost of printing, publishing, and distributing such copies shall be fixed and charged pursuant to Section 14866. Additional amounts shall be charged by the State Printer to cover the cost of preparing, printing, and distributing the lists of publications required by Section 14910.

SEC. 2. Section 14903 of said code is amended to read:

14903. As soon as practicable after deposit of the copies in the library stockroom, the State Printer shall forward of each publication other than the legislative bills, daily journals and daily or weekly histories, fifty (50) copies to the State

Library at Sacramento, twenty-five (25) copies each to the University of California libraries at Berkeley and Los Angeles, and fifty (50) copies to the California State Colleges, to be allocated among the libraries thereof as directed by the Trustees of the California State Colleges. Such copies in excess of the number required for the institutions themselves, may be used for exchanges with other institutions or with agencies of other states and countries.

CHAPTER 1826

An act to amend Section 15910 of the Elections Code, relating to punchcard absentee voting.

[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 15910 of the Elections Code is amended to read:

15910. The election board of any county in which voting is conducted pursuant to this chapter may provide that absent voting shall be either by punchcard voting or by marking a paper ballot or both. In any case it shall cause sufficient ballots of the proper kind to be provided.

CHAPTER 1827

An act to amend Section 15837 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 15837 of the Elections Code is amended to read:

15837. The ballot cards may be counted at the polls if a counting or tabulating machine approved therefor pursuant to this chapter is available at the polls. In case of an emergency in which it becomes impossible to transport the ballots from the precinct to a central counting place, the county clerk may direct that such ballots be counted at the precinct. In such cases, counting shall be conducted substantially in accordance with the provisions of Chapter 1 (commencing with Section 17000) of Division 10 of this Elections Code.

CHAPTER 1828

An act to amend and renumber Sections 18900, 18901, 18902, 18903, 18904, 18905, 18905.1, 18905.2, 18906.3, 18906.4, 18909, 18910, and 18911 of, to add Sections 18900, 18905, 18906, 18909, and 18914 to, and to repeal Sections 18906, 18907, and 18908 of, the Health and Safety Code, relating to the State Building Standards Commission.

[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 18900 of the Health and Safety Code is amended and renumbered to read:

18901. There is in the Department of General Services a State Building Standards Commission consisting of the Director of General Services and 10 members appointed by the Governor subject to confirmation by the Senate.

All appointed members of the commission shall be experienced in building construction and building codes and standards, except that the public members need not have such experience.

The Governor shall appoint (a) three members from among the professions and industries concerned with building construction, of whom one shall be an architect, one a structural engineer and one a contractor; (b) three members from among the general public; (c) one member from organized labor in the building trades; and (d) three members from among local government officials.

The members of the commission shall serve without compensation. Members of the commission who are not state officers shall be paid their actual necessary travel expenses.

The term of office of such appointed members shall be four years and they shall hold office until the appointment and qualification of their successors. The terms of two members of the commission in office on the effective date of the amendments to this section enacted at the 1965 Regular Session of the Legislature shall expire on January 1, 1966, the term of three on January 1, 1967, the term of two on January 1, 1968, and the term of three on January 1, 1969. The term of each such member shall be determined by lot.

The Director of General Services shall serve as the chairman of the commission. The Director of General Services may, as provided in Section 7.5 of the Government Code, designate a Deputy Director of the Department of General Services to act in his place as chairman. The commission shall elect a vice chairman annually from among its members.

The Governor may appoint advisory members from the state agencies which administer and enforce building regulations.

The Director of General Services shall provide the necessary staff services to the commission and may appoint, in accordance

with civil service and other provisions of law, such officers and employees as may be necessary to carry out the intent and purposes of this part.

SEC. 2. Section 18900 is added to said code, to read:

18900. This part shall be known as the State Building Standards Law.

SEC. 3. Section 18901 of said code is amended and renumbered to read:

18902. The commission shall in cooperation with all state agencies concerned, rewrite where necessary, promulgate and publish in accordance with the Administrative Procedure Act a single State Building Standards Code of all administrative building regulations of state agencies relating to building standards which are enforced or supervised by state agencies, which code may include administrative regulations or applicable building codes or portions thereof by means of reference. Such code shall indicate the agency having responsibility vested by law for the administration of each building regulation. The code shall include an index and reference guide. The provisions of such code shall when adopted and published as provided in this part, supersede all then existing administrative regulations relating to building standards issued by individual state agencies. Thereafter, such state agencies shall use the nomenclature and arrangement adopted by the commission as provided in this part.

The commission may approve and publish amendments to the code not oftener than once each 90 days, except that by three-fourths vote of all its members the commission may find that an emergency exists and may then adopt and publish amendments as needed.

Such code may contain references to state laws relating to building standards.

Such code shall be known as the State Building Standards Code.

The Department of General Services shall publish the State Building Standards Code and all amendments and publications relating thereto in suitable looseleaf form and shall make it available to the public at a reasonable price. It shall be the duty of each state department concerned and of each city or county to have an up-to-date copy of the code available for public inspection.

SEC. 4. Section 18902 of said code is amended and renumbered to read:

18903. Every state officer and employee authorized by law to adopt any rule or regulation relating to or repealing building standards shall do so only through and with the approval of the commission.

SEC. 5. Section 18903 of said code is amended and renumbered to read:

18904. It is the purpose of this part to provide the means for eliminating duplication, conflict and overlapping in state building regulations and not to substitute the commission for

the responsibilities now vested by law in various state agencies. To that end each state agency concerned shall continue to prepare such building regulations as it is authorized and finds necessary, but such regulations shall not be effective until approved by the commission. The commission shall review such regulations, and if it finds duplication, conflict, or overlapping, or if it finds that the nomenclature or arrangement does not conform to that adopted by the commission or that a proposed regulation is not written in conformance with standards required under Section 18911, it shall require any agency to submit revisions of such regulations within not less than 120 days nor more than 180 days after date of the receipt of the request. If such agency does not do so within 180 days, the commission may rewrite, edit, or amend such existing and proposed regulations consistent with the intent of this part, and as provided by the Administrative Procedure Act. It shall not, however, be required that hearings or other administrative procedures be duplicated on unchanged portions of administrative regulations previously adopted, and approved by the commission.

SEC. 6. Section 18904 of said code is amended and renumbered to read:

18907. The commission shall withhold approval and shall require change, including substantive change where necessary, in any proposed or existing regulation only if it finds duplication, conflict or overlapping, or when the nomenclature or arrangement does not conform to that adopted by the commission or when the proposed regulation is not written in conformance with standards required under Section 18911. New or amended regulations submitted to the commission shall be approved, or the state agency concerned shall be notified in writing why approval is denied within 120 calendar days after such regulations have been submitted. The commission shall notify all other state agencies concerned with respect to existing as well as proposed regulations and shall make recommendations to eliminate conflicts and to assure consistency and uniformity of all statewide building standards.

SEC. 7. Section 18905 of said code is amended and renumbered to read:

18908. The responsibility for enforcing or supervising the enforcing of state building regulations shall remain as vested by law.

SEC. 8. Section 18905 is added to said code, to read:

18905. It is the intent of this part that duplication, overlap, and conflict shall be eliminated from existing statutes. To this end the commission shall propose to the Legislature means by which this could be accomplished.

SEC. 9. Section 18905.1 of said code is amended and renumbered to read:

18910. Any agency, person, firm or corporation that is or may be affected by any regulation, rule, omission or decision of any state agency, relating to duplication, conflict, or over-

lapping of building regulations, nomenclature or arrangement not conforming to that adopted by the commission or regulations or rules not written in conformance with standards required under Section 18911 may ask the commission for interpretation or reconsideration of such rule or regulation.

Any request for interpretation or reconsideration shall be in writing to the commission, and the decisions of the commission shall likewise be in writing.

The commission may designate a committee to investigate and report to the commission its findings on any such request for interpretation or reconsideration filed with the commission.

After such interpretation by the commission, proceedings for appeal shall be conducted in accordance with the provisions of the Administrative Procedure Act.

SEC. 10. Section 18905.2 of said code is amended and renumbered to read:

18911. All building regulations shall be written, administered, and interpreted on a performance basis consistent with state and nationally recognized standards for building construction as set forth by the commission, in view of the use and occupancy of each structure, and the qualities and quantities of available materials, and methods of construction, to best preserve and protect the public health and safety.

If the commission determines that any regulations are necessary to carry out the intent and purpose of this part, it shall request the appropriate agency having regulatory powers to adopt such regulations. If such agency does not do so within 180 days following the date of the request, the commission shall adopt regulations relating to the subject matter which shall remain in effect until such agency adopts regulations on the subject matter and such regulations are approved by the commission in accordance with the provisions of Sections 18904 and 18907.

SEC. 11. Section 18906 of said code is repealed.

SEC. 12. Section 18906 is added to said code, to read:

18906. The commission shall appoint from the building construction industry, the occupancies to be affected by the proposed regulations, and interested governmental agencies, appropriate advisory panels to advise the commission and its staff with respect to building regulations. The persons appointed to such panels shall be specifically qualified in the type of work embraced by the building standards in question. It is the intent of this part that the commission shall make use of such panels when sustantive changes are being considered. Such persons shall serve without compensation.

SEC. 13. Section 18906.3 of said code is amended and renumbered to read:

18912. For the purpose of this part the term "building standard" means any adopted state administrative regulation or statute pertaining to the construction, alteration or improvement of a "building" as defined in Section 18913. The term "building standard" does not include any safety regula-

tions which any state agency is authorized to adopt relating to the operation of machinery and equipment used in manufacturing, processing, or fabricating including, but not limited to, warehousing and food processing operations. The term "building standard" does not include temporary scaffoldings, and similar temporary safety devices and procedures, used in the erection, demolition, moving, or alteration of buildings.

SEC. 14. Section 18906.4 of said code is amended and renumbered to read:

18913. For the purpose of this part "building" means any structure as to which state agencies have regulatory power, built for support, shelter, housing or enclosure of persons, animals, chattels, equipment, or property of any kind, and also includes structures wherein things may be grown, made, produced, kept, handled, stored, or disposed of. All appendages, accessories, apparatus, appliances, and equipment installed as a part of a building or structure shall be deemed to be a part thereof, but "building" shall not include machinery, equipment, or appliances installed for manufacture or process purposes only, nor shall it include any construction installations which are not a part of a building, any tunnel, mine shaft, highway, or bridge, or include any house trailer or vehicle which conforms to the Vehicle Code.

SEC. 15. Section 18907 of said code is repealed.

SEC. 16. Section 18908 of said code is repealed.

SEC. 17. Section 18909 of said code is amended and renumbered to read:

18915. The commission shall biennially submit a report of its activities, together with recommendations for legislation, to the Governor and the Legislature.

SEC. 18. Section 18909 is added to said code, to read:

18909. The commission shall notify affected construction industry organizations and governmental agencies who have made written request to be informed, as to the proposals it has under consideration.

SEC. 19. Section 18910 of said code is amended and renumbered to read:

18916. All meetings of the commission shall be open and public.

SEC. 20. Section 18911 of said code is amended and renumbered to read:

18917. All records of the commission shall be open to inspection by the public during regular office hours.

SEC. 21. Section 18914 is added to said code, to read:

18914. "State agency" for the purposes of this part does not include a county, city and county, or city.

CHAPTER 1829

An act to add Sections 937.1, 13059, 13581.1, and 13723.4 to, and to repeal Section 13059 of, the Education Code, relating to employment in 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 937.1 is added to the Education Code, to read:

937.1. No governing board or county superintendent of schools shall affix the title of deputy, associate or assistant superintendent to any position not defined by this code as a position requiring certification qualifications or which does not qualify under the provisions of Section 13055 or 13056 as a position requiring certification qualifications; except that any such title may be assigned to the position of business manager or a related business position but such position shall not, if so designated, be deemed to be a position requiring certification qualifications nor shall the employee be deemed to be a certificated employee.

SEC. 2. Section 13059 of said code is repealed.

SEC. 3. Section 13059 is added to said code, to read:

13059. Any person who, on the effective date of this section, is serving in a position as business manager and has been assigned a title listed in Section 937 shall be deemed to be an employee in a position requiring certification qualifications for so long as he holds such position after the effective date of this section.

On and after the effective date of this section no person employed in a position of business manager shall be required to be credentialed and no title assignment may be construed to require certification qualifications for any such position or related position.

Notwithstanding the prohibition contained herein a governing board may designate the position as one requiring certification qualifications if a substantial portion of the duties to be performed are outside the normal scope of a school business manager's position and are to encompass services directly related to the instructional and educational program of the district or if it declares the holder of the position as the chief assistant to the district superintendent and who is to be designated as acting superintendent during the absence of the district superintendent.

SEC. 4. Section 13581.1 is added to said code, to read:

13581.1. Every position not defined by this code as a position requiring certification qualifications and not specifically exempted from the classified service according to the provisions of Section 13581 or 13712 shall be classified as required by those sections and shall be a part of the classified service.

Such positions may not be designated as certificated nor shall the assignment of a title to any such a position remove the position from the classified service, nor shall possession of a certification document be made a requirement for employment in any such position.

Nothing in this section shall be construed to prohibit the employment of any individual in a position described by this section as part of the classified service who is in possession of certification qualifications, nor shall the possession of certification qualifications be grounds for the elimination of an individual for consideration for employment in such a position

This section shall apply to districts which have adopted the merit system in the same manner and with the same effect as though it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 5. Section 13723.4 is added to said code, to read:

13723.4. The commission shall, by rule, provide for an open competitive examination only, for the position of business manager or for any other single position class which it declares to be at or above the level of business manager. It shall require that all educational and work experience requirements be developed to fit the needs of the position in such a manner that the position will attract competent and qualified applicants from within the classified service, among certificated personnel, or other persons meeting the minimum requirements established for the position.

CHAPTER 1830

An act to amend Sections 74000, 74002, 74003, 74004 and 74005 and to repeal Section 74007 of the Government Code, relating to municipal court attachés.

[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 74000 of the Government Code is amended to read:

74000 This article applies to all of the municipal courts established in the County of Orange, which are in judicial districts entitled as follows: the Anaheim-Fullerton Judicial District, the Santa Ana-Orange Judicial District, the Huntington Beach-Seal Beach Judicial District, and the Newport Beach-Costa Mesa Judicial District.

SEC. 3. Section 74002 of said code is amended to read:

74002. There shall be one clerk and administrative officer for each court who shall receive a monthly salary as provided by the following range numbers of Section 74005: for the Anaheim-Fullerton and the Santa Ana-Orange Municipal Courts, Range Number 50; for the Huntington Beach-Seal

Beach and the Newport Beach-Costa Mesa Municipal Courts, Range Number 49; for the Laguna Beach-San Clemente Judicial District Municipal Court, Range Number 48.

SEC. 4. Section 74003 of said code is amended to read:

74003. There shall be one marshal for each court who shall receive a monthly salary as provided by the following range numbers of Section 74005:

For the Anaheim-Fullerton Municipal Court 51
For the Santa Ana-Orange Municipal Court 50
For the Huntington Beach-Seal Beach Municipal Court 49
For the Newport Beach-Costa Mesa Municipal Court .. 49
For the Laguna Beach-San Clemente Municipal Court 48

SEC. 5. Section 74004 of said code is amended to read:

74004. (a) The number of positions within each job classification which may be filled by appointment by the clerk and administrative officer and the marshal, respectively, of each such court, and the number of the salary range set forth in Section 74005 which constitutes the compensation for each job classification, shall be shown in the table below, in which the various municipal courts are designated by column headings from left to right in the same order as that in which their judicial districts are named in Section 74000:

Title of job classification	Applicable salary range number	Number of positions authorized in each court				
		A-F	SA-O	HB-SB	NB	LB-SC
Appointed by the clerk and administrative officer:						
Chief deputy clerk II	46	1	1	0	0	0
Chief deputy clerk I	45	0	0	1	1	1
Division head II	43	3	3	0	0	0
Division head I	42	0	0	3	3	0
Municipal court clerk	41	9	7	3	3	2
Deputy clerk V	41	2	2	1	1	3
Deputy clerk IV	38	1	1	1	1	0
Deputy clerk III	37	6	6	2	2	0
Deputy clerk II	35	5	6	3	3	2
Deputy clerk I	34	38	28	16	14	8
Appointed by the marshal:						
Lieutenant	48	1	0	0	0	0
Sergeant	45	3	3	1	2	0
Deputy marshal II	42	17	14	8	8	5
Deputy marshal I	41	10	6	4	3	2
Chief clerk II	41	1	0	0	0	0
Chief clerk I	40	0	0	1	0	1
Clerk III	37	2	2	1	1	0
Clerk II	35	5	3	2	2	1
Clerk I	34	8	6	3	3	1

(b) The duties to be performed by persons employed in the respective job classifications listed above shall include the following, plus such additional duties as may be assigned by the appointing authorities:

Those appointed by the clerk and administrative officer:

Chief deputy clerk II: assistant to the clerk and administrative officer in the Anaheim-Fullerton and Santa Ana-Orange courts.

Chief deputy clerk I: assistant to the clerk and administrative officer in the Huntington Beach-Seal Beach, Newport Beach and Laguna Beach-San Clemente courts.

Division head II, municipal court: division head in the Anaheim-Fullerton and Santa Ana-Orange courts.

Division head I, municipal court: division head in the Huntington Beach-Seal Beach and Newport Beach-Costa Mesa courts.

Municipal court clerk: courtroom clerk.

Deputy clerk V: civil process clerk.

Deputy clerk IV: bookkeeper.

Deputy clerk III: supervise a clerical group and perform the more difficult and responsible work.

Deputy clerk II: cashier, stenographer, account clerk.

Deputy clerk I: moderately difficult clerical work.

Those appointed by the marshal:

Lieutenant: assistant to marshal in large office.

Sergeant: supervision of deputy marshal.

Deputy marshal II: field deputy.

Deputy marshal I: bailiff.

Chief clerk II: supervision of all clerical work in a large office.

Chief clerk I: supervision of all clerical work in a small office.

Clerk III: bookkeeper, supervisor of a clerical unit; or a combination of these duties in the smaller offices.

Clerk II: more difficult work; account clerk; stenographer.

Clerk I: moderately difficult clerical and typing.

(c) All appointments to positions by the clerk and administrative officer and marshal, respectively, shall meet the minimum qualifications and tests of fitness for the job classifications, which shall be established in accordance with provisions of the ordinance of the County of Orange relating to the administration of the classification plan for county employees generally.

SEC. 6. Section 74005 of said code is amended to read:

74005. The schedule of monthly salary ranges referred to in Sections 74002, 74003 and 74004 is as follows:

Range number	Steps								
	1	2	3	4	5	6	7	8	9
33	337	346	355	365	375	385	395	406	417
33.5	346	355	365	375	385	395	406	417	428
34	355	365	375	385	395	406	417	428	440

Range number	Steps 1	2	3	4	5	6	7	8	9
34.5	365	375	385	395	406	417	428	440	452
35	375	385	395	406	417	428	440	452	464
35.5	385	395	406	417	428	440	452	464	476
36	395	406	417	428	440	452	464	476	489
36.5	406	417	428	440	452	464	476	489	502
37	417	428	440	452	464	476	489	502	516
37.5	428	440	452	464	476	489	502	516	530
38	440	452	464	476	489	502	516	530	545
38.5	452	464	476	489	502	516	530	545	560
39	464	476	489	502	516	530	545	560	575
39.5	476	489	502	516	530	545	560	575	591
40	489	502	516	530	545	560	575	591	608
40.5	502	516	530	545	560	575	591	608	624
41	516	530	545	560	575	591	608	624	641
41.5	530	545	560	575	591	608	624	641	659
42	545	560	575	591	608	624	641	659	677
42.5	560	575	591	608	624	641	659	677	696
43	575	591	608	624	641	659	677	696	715
43.5	591	608	624	641	659	677	696	715	735
44	608	624	641	659	677	696	715	735	755
44.5	624	641	659	677	696	715	735	755	776
45	641	659	677	696	715	735	755	776	797
45.5	659	677	696	715	735	755	776	797	819
46	677	696	715	735	755	776	797	819	842
46.5	696	715	735	755	776	797	819	842	865
47	715	735	755	776	797	819	842	865	889
47.5	735	755	776	797	819	842	865	889	914
48	755	776	797	819	842	865	889	914	940
48.5	776	797	819	842	865	889	914	940	966
49	797	819	842	865	889	914	940	966	992
49.5	819	842	865	889	914	940	966	992	1,020
50	842	865	889	914	940	966	992	1,020	1,048
50.5	865	889	914	940	966	992	1,020	1,048	1,077
51	889	914	940	966	992	1,020	1,048	1,077	1,107
51.5	914	940	966	992	1,020	1,048	1,077	1,107	1,138
52	940	966	992	1,020	1,048	1,077	1,107	1,138	1,170
52.5	966	992	1,020	1,048	1,077	1,107	1,138	1,170	1,203
53	992	1,020	1,048	1,077	1,107	1,138	1,170	1,203	1,236
53.5	1,020	1,048	1,077	1,107	1,138	1,170	1,203	1,236	1,271
54	1,048	1,077	1,107	1,138	1,170	1,203	1,236	1,271	1,306
54.5	1,077	1,107	1,138	1,170	1,203	1,236	1,271	1,306	1,343
55	1,107	1,138	1,170	1,203	1,236	1,271	1,306	1,343	1,380
55.5	1,138	1,170	1,203	1,236	1,271	1,306	1,343	1,380	1,419
56	1,170	1,203	1,236	1,271	1,306	1,343	1,380	1,419	1,458
56.5	1,203	1,236	1,271	1,306	1,343	1,380	1,419	1,458	1,499
57	1,236	1,271	1,306	1,343	1,380	1,419	1,458	1,499	1,540

If the board of supervisors adopts a biweekly method of payment for county employees, the equivalent biweekly salaries adopted by the board of supervisors for county employees

shall be deemed equivalent to the monthly salaries set forth in this section.

(a) The initial hiring rate for each position shall be step 1 provided for such position by this section. If, however, it is difficult to secure qualified personnel at such rate or if a person of unusual qualifications is employed, the appointing authority, with the approval of a majority of the judges, or in the event of an equal division of the judges, of the judge senior in service, and of the board of supervisors, may employ such person at one of the higher salary steps provided for the position.

(b) Administration of the salary plan provided by this article (commencing with Section 74000), including the determination of the anniversary dates for entitlement to salary increments, increases within range, salary on promotion, transfer or demotion, salary on position reclassification, and all other relevant matters, shall be in accordance with the provisions of the ordinances of the County of Orange relating to the administration of the county salary plan for county employees generally, and Section 72001 shall not be applicable to the positions authorized by this article.

(c) The officers and attachés of the municipal court shall be entitled to the same vacation, leaves of absence, compensation during absence from duty for injuries arising out of and in the course of employment, and other similar benefits and privileges as are now or may hereafter be granted to employees of the County of Orange by the ordinances of the county.

(d) Notwithstanding any other provisions of law, the salary of municipal court employees may, upon approval of the board of supervisors, be increased or decreased within the limits set forth in this section in order to provide compensation that is comparable to county employees of similar qualifications and experience, holding equal or comparable positions in the Orange County classified service as the comparability is determined by the board of supervisors.

SEC. 7. Section 74007 of said code is repealed.

CHAPTER 1831

An act to add Section 1156.1 to, and to amend Sections 1156 and 12477 of, and to repeal Section 12420 of, the Government Code, relating to state 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 1156 of the Government Code is amended to read:

1156. State officers and employees may authorize deductions to be made from their salaries or wages for the payment of:

(a) Premiums on any basic health benefits plan provided for under Part 5 (commencing with Section 22751) of Division 5 of Title 2 of this code.

(b) Premiums on National Service Life Insurance or United States Government Converted Insurance.

(c) Dues in any bona fide association if the association, or the unit thereof, is comprised principally of employees and former employees of agencies of the State of California.

(d) Shares or obligations to any regularly chartered credit union.

(e) Recurrent fees or charges payable to a state agency under a collection plan approved by the Director of General Services and the State Controller.

(f) Premiums on any insurance policy or payments for any other membership benefit program sponsored by an employee organization recognized under the provisions of Section 3507 of this code.

(g) Payments for insurance or other employee benefit programs sponsored by a state agency under appropriate statutory authority.

SEC. 2. Section 1156.1 is added to said code, to read:

1156.1. For those state officers and employees under the uniform payroll system, the State Controller shall provide for the administration of payroll deductions for purposes set forth in Section 1156 For all other state officers and employees and for persons receiving allowances or benefits under other state retirement systems, the appropriate state officer shall provide for such administration. The Controller and the other appropriate officers shall in administering payroll deductions:

(a) Provide for determination of the additional cost involved in making deductions under subsections (c), (d) and (f) of Section 1156 and for the collection of such costs from the organization receiving the deductions. The amounts collected shall be deposited in the General Fund by the State Controller, or in another appropriate fund by the other officer or board.

(b) Provide for an agreement from organizations receiving deductions to relieve the state, its officers and employees of any liability that may result from authorizations made under Section 1156.

(c) The Board of Control shall approve deductions under subsection (f) of Section 1156, taking into consideration the following standards:

(1) That the sponsoring employee organization has been recognized under the provisions of Section 3507 of this code.

(2) That the program will be accepted by a reasonable number of state employees (500 or more) and that continued participation to that extent can be reasonably expected.

(3) That the program is available to employees in all occupations and is not restricted to a geographic area of the state.

(4) That the program has been approved by the Insurance Commissioner if it is within his jurisdiction.

(5) That the program is available only to members of the sponsoring employee organization.

The Controller or the appropriate state officer may decline to make deductions for a membership benefit program provided under subdivision (f) of Section 1156 if, after examination of the program, it is reasonably determined that it would not be administratively feasible or practical to make such deductions.

SEC. 3. Section 12420 of said code is repealed.

SEC. 5. Section 12477 of said code is amended to read:

12477. Rules and regulations adopted under this article or Section 1156.1 are excepted from the provisions of the Administrative Procedure Act and shall be distributed in such form and manner as the Controller determines.

SEC. 6. This act shall not affect the continuation of insurance or other programs for which deductions were authorized by law prior to the effective date hereof.

CHAPTER 1832

An act to add Section 12800.7 to the Vehicle Code, relating to drivers' licenses.

[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 12800.7 is added to the Vehicle Code, to read:

12800.7. Upon application for an original or duplicate license the department may require the applicant to produce such identification as it determines is necessary in order to insure that the name of the applicant stated in the application is his true name and that his residence address as set forth in the application is his true residence address.

CHAPTER 1833

An act to amend Section 12.1 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to the collection of fees for use of district facilities.

[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 12.1 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is amended to read:

12.1. The board shall also have power to prescribe, revise, and collect fees or charges for facilities furnished or to be furnished to any area, new building, improvement or structure that will benefit from any flood control, storm drainage, water conservation or supply or sewerage system constructed or to be constructed in a zone of the district. Revenues derived under this section shall be used for the acquisition, construction, engineering, reconstruction, maintenance, and operation of the flood control, storm drainage, water, or sewerage facilities of the said zone, or to reduce the principal or interest of any bonded indebtedness thereof.

The board may also provide that any fees or charges collected pursuant to Section 12.2 of this act may be credited to or deducted from any fees or charges imposed under this section.

CHAPTER 1834

An act to amend Section 32100.4 of the Health and Safety Code, relating to hospital 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 32100.4 of the Health and Safety Code is amended to read:

32100.4. If, on the 65th day prior to the day fixed for the hospital district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or no one has been nominated for such office, and if a petition signed by 5 percent of the qualified electors in the district, requesting that the hospital district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held. Where directors are elected at large,

or where directors are elected by zones, no election shall be held in each zone where no one or only one person has been nominated if a petition signed by 5 percent of the qualified electors in the zone, requesting that the election in the zone be held, has not been presented to the board of directors of the district. When an election is not to be held, the board shall immediately request that the board of supervisors of the county in which the district, or a greater portion thereof, is situated at a regular or special meeting held prior to the day fixed for the election, 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 hospital district general election.

In such instances notices shall be posted in three public places in the district 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.

CHAPTER 1835

An act to add Part 9 (commencing with Section 95000) to Division 10 of the Public Utilities Code, relating to the Santa Barbara Metropolitan 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. Part 9 (commencing with Section 95000) is added to Division 10 of the Public Utilities Code, to read:

PART 9. THE SANTA BARBARA METROPOLITAN TRANSIT DISTRICT

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

95000. This act shall be known and cited as the "Santa Barbara Metropolitan Transit District Act of 1965."

95001. Unless the context otherwise requires, the provisions of this article govern the construction of this part.

95002. "District" means the Santa Barbara Metropolitan Transit District formed under this act.

95003. "Board" means the board of directors of this district.

95004. "Voter" means any elector who is registered under the Elections Code.

95005. "Transit" means the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual passenger fare-paying basis. Nothing in this section shall be construed to prohibit the district from leasing its buses to private certified public carriers or to prohibit the district from providing schoolbus service for the transportation of pupils between their homes and schools.

95006. "Transit works" or "transit facilities" means all real and personal property, equipment, rights, or interests owned or to be acquired by the district for transit service.

Article 2. General Provisions

95030. It is necessary that a transit district be established in the Santa Barbara metropolitan area which includes the City of Santa Barbara and adjacent unincorporated territory, including but not limited to the Carpinteria, Summerland, Montecito and Goleta areas, all situated in Santa Barbara County, in order to meet the public transit problem of the area. The geographic location of the city in relation to the adjacent unincorporated territory requiring transportation services makes it necessary to develop a single transit system to protect the public interest and welfare.

95031. The Santa Barbara Metropolitan Transit District may be created as provided in this act and when so created may exercise the powers herein granted.

95032. Except as otherwise provided in this act elections shall be held and conducted and the result ascertained, determined, and declared in, all respects as nearly as practicable in conformity with the general elections laws of the state

95033. Except as otherwise provided in this part all ordinances and notices which are required to be published shall be published within the district pursuant to Section 6066 of the Government Code.

95034 Whenever the signature of any officer or employee of a district or of any member of the retirement board or of any officer or employee of the retirement system is authorized or required under the provisions of this act, except in the single instance provided in Section 96443, the signature may be made by the use of a plate bearing facsimiles of such signatures.

CHAPTER 2. FORMATION OF DISTRICT

Article 1. General Provisions

95100. The City of Santa Barbara, together with unincorporated territory, may organize and incorporate as the Santa Barbara Metropolitan Transit District.

95101. The request for the formation of the Santa Barbara Metropolitan Transit District may be made by resolution or by petition as set out in this chapter.

Article 2. Request by Resolution

95130. The legislative body, the City Council of the City of Santa Barbara, may pass a resolution declaring that in its opinion public interest or necessity demands the creation and maintenance of the Santa Barbara Metropolitan Transit District.

95131. The resolution may state the transit facilities proposed to be first acquired, but failure to acquire such transit facilities shall not affect the validity of the district. The resolution shall set forth and describe the boundaries of the proposed district.

95132. Certified copies of the resolution shall be presented to the Board of Supervisors of Santa Barbara County requesting the board of supervisors to call an election without delay for determining whether the district will be created.

Article 3. Request by Petition

95160. Instead of a resolution, a petition may be presented to the board of supervisors signed by voters within the proposed district equal in number to at least 25 percent of the total vote cast at the last general election.

95161. The petition shall contain substantially the same declarations and statements required to be contained in the resolution presented to the board of supervisors under this chapter, including the description of the boundaries, and declare that, in the opinion of the petitioners, public interest or necessity demands the creation and maintenance of the metropolitan transit district.

95162. The petition may be on separate papers, but each paper shall contain the affidavit of the person who circulated it certifying that each name signed thereto is a true signature of the person whose name it purports to be.

95163. The County Clerk of the County of Santa Barbara shall compare the signatures to the petition with the affidavits of registration and certify to their sufficiency or insufficiency.

Article 4. Election

95190. Upon receipt of certified copies of the resolution or of a sufficient petition, the board of supervisors shall hold a hearing on the question of forming a Santa Barbara Metropolitan Transit District. The hearing shall be held not less than 20 days nor more than 60 days following the filing of such resolution or petition. A notice of such hearing shall be published at least twice in newspapers of general circulation in the proposed district.

95191. The board of supervisors shall have the power to exclude unincorporated areas which, in the board's determination, would not receive reasonable benefit from inclusion in the district.

95192. At the conclusion of the hearing, if the board of supervisors approves the resolution or petition as orginally presented or in modified form, it shall by resolution entered upon its minutes:

(a) Fix and describe the exterior boundaries of the proposed district as determined by the board of supervisors.

(b) Fix the date on which an election will be held in the proposed district and the hours during which the polls will be open.

(c) State the purpose for which the election is held.

95193. The election shall be held not less than 60 days nor more than 90 days from the date of the adoption of the resolution prescribed by Section 95192.

95194. The election shall be called by publishing notice calling the election pursuant to Section 6066 of the Government Code not less than 20 days before the election. Said notice need only specify the time and place of the election, the hours during which the polls will be open, the purpose of the election, and the description of the exterior boundaries of the proposed district as determined by the board of supervisors.

No notice of the election other than the notice prescribed by this section need be given except that the county clerk shall mail notice of polling place and purpose of election to each qualified elector of the proposed district.

95195. 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 "Santa Barbara Metropolitan Transit District" be created and established?	YES	
	NO	

95196. No person shall be entitled to vote at the election unless he is a voter of the territory included in the proposed district.

95197. The election may be held on the same day as any other state, county, or city election and be consolidated therewith.

95198. The board of supervisors shall meet on the Tuesday next succeeding the day of the election and canvass the returns.

95199. The board of supervisors shall make all provisions for the holding of the election throughout the entire district as proposed, and shall pay the cost thereof.

95200. If a special election is held exclusively on the proposition of organizing the district, the expenditure therefor shall be reimbursed to the county by means of a tax on all the taxable property within the district, and this tax shall be added to the next county tax bills by the proper official of the county.

Article 5. Establishment of the District

95230. If a majority of the electors voting on the proposition vote in favor of the creation and establishment of the district, the board of supervisors shall cause a certified copy of the order declaring the result of the election to be filed in the office of the Secretary of State, from and after which the establishment of the district shall be deemed complete.

Article 6. Contest of Incorporation.

95250. No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of the district. Any proceedings wherein the validity of incorporation is denied shall be commenced within three months from the date of filing the order declaring the result of the election with the Secretary of State, otherwise the incorporation and the legal existence of the district shall be held to be valid and in every respect legal and incontestable.

Chapter 3. Internal Organization of District

Article 1. Government

95400. The government of the district shall be vested in a board of five members. Two of the directors shall be appointed by the Board of Supervisors of the County of Santa Barbara, and such appointees shall be residents of unincorporated area, if the district contains unincorporated area. Two of the directors shall be appointed by the City Council of the City of Santa Barbara. The four directors so appointed shall choose and appoint the fifth director. The board shall elect its chairman, and a majority vote is necessary for the election of the chairman of the board.

95401. These appointments shall be made within 30 days after the formation of the district.

95402. A vacancy on the board shall be filled by the body which appointed the director whose office is vacated and the new appointee shall hold his office for the unexpired term.

95403. Each director shall, within 10 days after his appointment, and before entering upon the discharge of his duties of his office, take and subscribe to an oath in the form set forth in Section 3 of Article XX of the Constitution of California before an officer authorized by law to administer oaths. The oaths shall be filed in the office of the district.

95404. A person shall not be appointed to or be a member of the board unless he is a resident of the district and has resided within the district at least one year immediately prior to his appointment to the board.

Article 2. Terms of Office

95430. The term of office of each director is four years from the time of his appointment, except that for the board first appointed, the director appointed by the board as herein provided shall hold office for two years, and the remaining directors first appointed to the board shall classify themselves by lot, so that the two appointed by the board of supervisors shall hold office for one and three years and the two appointed by the city council shall hold office for two and four years.

Article 3. Powers and Duties of Directors

95450. The chairman is the presiding officer of the board and he shall vote on the propositions passed upon by the board.

95451. The first meeting of the board shall be held within 10 days of the appointment of its chairman. The board may make its own rules of procedure and determine the place and time of its meeting.

95452. The board shall select one of its members vice chairman, who shall preside in the absence of its chairman. The board shall provide for and select such officers as it deems necessary to conduct the affairs of the district.

95453. All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this act shall be provided for by the board.

95454. The board shall supervise and regulate every transit facility owned and operated by the district, including the fixing of rates, rentals, charges and classifications, and the making and enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any transit facility owned or controlled by the district.

95455. The board may either operate the transit system itself or a part thereof or it may contract with any other public or private agency or corporation to operate all or part of the transit system for the district or it may contract with any other public or private agency or corporation for the improvement in transit services, facilities, equipment or operations being operated and conducted by said agency or corporation in, and, or, out of, the district.

95456. The board may adopt a personnel system for the purpose of recruiting and maintaining an effective working force with good morale. The board shall by resolution determine and create such number and character of positions as are necessary properly to carry on the functions of the district and shall establish an appropriate salary, salary range, or wage for each position so created. The board may by resolution abolish any such position. Except as otherwise provided, appointments to such positions shall be made by the general manager.

95457. The board may from time to time contract for or employ any professional service required by the district or for the performance of work or services which cannot satisfactorily be performed by the regular employees of the district.

95458. The board shall have an annual audit made of all books and accounts of the district by a certified public accountant or public accountant.

95459. The board may provide by resolution, under such terms and conditions as it sees fit, for the payment of demands against the district without prior specific approval thereof by the board if the demand is for a purpose for which an expenditure has been previously approved by the board and in an amount no greater than the amount so authorized, and if the demand is approved by the general manager.

95460. To facilitate the business of the district, the board may provide for the creation and administration of such funds as the needs of the district may require. The funds shall be disbursed in accordance with rules established by the board and all payments from any fund shall be reported to the board.

Article 4. Meetings and Legislation

95490. All meetings of the board shall be conducted in a manner prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code.

95491. A majority of the board constitutes a quorum for the transaction of business.

95492. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board the sum of fifteen dollars ($15) but not to exceed sixty dollars ($60) in any calendar month and shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as authorized by the board.

95493. The acts of the board shall be expressed by motion, resolution, or ordinance. No ordinance shall be passed by the board on the day of its introduction, nor within three days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance, resolution, or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors.

95494. All ordinances shall be published after passage.

95495. The enacting clause of all ordinances shall be as follows:

"Be it enacted by the Board of Directors of the Santa Barbara Metropolitan Transit District:" All ordinances shall be signed by the chairman of the board or the vice chairman and attested by the secretary.

Article 5. Other Officers

95520. The board shall appoint and fix the salary of a general manager, who shall have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district, and also of the administration of the business affairs of the district.

95521. All other things being equal, the board shall appoint as general manager, a person who has had experience in the construction or management of transit facilities.

95522. The general manager need not be a resident of this state at the time of his appointment.

95523. The general manager may be removed by the board upon the adoption of a resolution by the affirmative vote of not less than a majority of the board. Before the general manager may be removed, he shall, if he demands it, be given a written statement of the reasons alleged for his removal and he shall have the right to be publicly heard thereon at a meeting of the board prior to the final vote on the resolution providing for his removal, but pending and during such hearing the board may suspend him from office. The board may not reduce the salary of the general manager below the amount fixed at the time of his original appointment except upon the adoption of a resolution by a like vote and after a like opportunity to be heard. The action of the board in suspending or removing the general manager or reducing his salary, if approved by a majority of the membership of the board, is final.

95524. Notwithstanding anything to the contrary in Section 95523, until such time as the district has operated, controlled, or used facilities or parts of facilities for providing the inhabitants within the boundaries of the district with transit services for a period of six months, the board may, but is not required to, appoint a general manager. A general manager appointed during such time holds office at the pleasure of the majority of the board.

95525. The board may appoint a secretary and an attorney who may hold office during the pleasure of the board.

95526. The attorney shall be admitted to practice law in the Supreme Court of the state, and shall have been actively engaged in the practice of his profession for not less than three years next preceding his appointment.

95527. The board may consolidate any of the district offices in one person.

95528. The oath of all appointive officers of the district shall be taken, subscribed, and filed with the secretary of the district at any time after the officer has notice of his appointment but not later than 15 days after the commencement of his term of office. No other filing is required.

95529. Each appointive officer shall give such bond and in such amount as the board may require.

95530. Subject to the control of the board, the powers and duties of the general manager are:

(a) To have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district.

(b) To have full charge of the administration of the business affairs of the district.

(c) To see that all ordinances of the district are enforced.

(d) To administer the personnel system adopted by the board and except for officers appointed by the board to appoint, discipline or remove all officers and employees subject to the rules and regulations adopted by the board.

(e) To attend all meetings of the board and submit a general report of the affairs of the district.

(f) To keep the board advised as to the needs of the district.

(g) To prepare or cause to be prepared all plans and specifications for the construction of the works of the district.

(h) To devote his entire time to the business of the district.

(i) To perform such other and additional duties as the board may require.

95532 The general manager shall within 90 days from the end of each fiscal year cause to be published a financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof. The publication shall be made in the manner provided in this act for the publication of ordinances and notices generally.

95533. The attorney shall take charge of all suits and other legal matters to which the district is a party or in which it is legally interested. He shall give his advice or opinion in writing whenever required by the board. He shall be the legal adviser of the general manager and other district officers and shall prepare or approve the forms of all ordinances, resolutions, contracts, bonds, and other legal documents connected with the business of the district. He shall perform such other and additional services as the board may require.

95534. The general manager shall cause to be installed and maintained a system of auditing and accounting which shall completely and at all times show the financial condition of the district. All warrants for the payment of demands against the district shall be paid in accordance with such rules as the board may establish.

95535. The general manager shall provide for the custody of the funds of the district and the keeping of accounts of all receipts and disbursements. Payments shall be made only upon warrants duly and regularly signed by the chairman or vice

chairman of the board, or other person authorized by the board so to do, and by the general manager or secretary.

95536. With the consent of the board, the general manager may:

(a) Authorize the trust department of any state or national bank in this state, or a trust company authorized to act as such in this state, to receive as his agent deposits of any securities acquired by the district.

(b) Place and maintain for safekeeping as a trust deposit with the trust department of any state or national banks in this state, or a trust company authorized to act as such in this state, any securities owned by the district.

The bank or trust company selected shall have a total paid-in capital of at least one million dollars ($1,000,000). The general manager shall take from the trust department or trust company a receipt for the securities, and neither the general manager nor the district is responsible for the custody and safe return of the securities until they are withdrawn from the trust department or trust company by the general manager. Any trust department or trust company to which securities are delivered, either as agent or depository for the general manager, shall make such deposition of the securities as the general manager directs and is responsible only for strict compliance with written instructions given to it by the general manager. All such securities are at all times subject to the order of the general manager.

CHAPTER 4. LABOR PROVISIONS

95650. Whenever a majority of the employees employed by said transit district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the board, upon determining as provided in Section 95651 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures. In case of a dispute over the terms of a written contract governing wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the board and the representatives of the employees, the board and the representatives of the employees shall submit said dispute to the decision of the majority of an arbitration board, and the decision of a majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the transit board and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member. If they are unable to agree, the fifth member shall be designated by the Secretary of the Judicial Council and shall be a person experienced in labor arbitrations. The expenses of such impartial arbitrator shall be

provided half by the transit board and half by the labor organization.

No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color, provided such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

95651. If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing and may, by decision, establish the boundaries of any collective bargaining unit and provide for an election to determine the question of representation. Provided, however, any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the ground that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later.

95652. Whenever any district acquires existing facilities from a publicly or privately owned public utility either in proceedings by eminent domain or otherwise, to the extent necessary for operation of facilities, all of the employees of such public utility whose duties pertain to the facilities acquired who have been employed by said utility for at least seventy-five (75) days shall be appointed to comparable positions in the district without examination and shall be governed thereafter by the personnel system adopted by the board, and these employees shall be given sick leave, seniority and vacation credits in accordance with the records of the acquired public utility.

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the board.

95653. Whenever any district acquires existing facilities from a publicly or privately owned public utility, either in proceedings in eminent domain or otherwise, that has a pension plan in operation, members and beneficiaries of such pension plan shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system.

Whenever any such facilities are acquired by the district, the board shall consider and take into account the outstanding obligations and liabilities of the publicly or privately owned public utility by reason of such pension plan and shall negotiate an allowance in the purchase price of such utility for the assumption of such obligations and liabilities when acquiring the facilities.

95654. The persons entitled to pension benefits as provided for in Section 95653 and the benefits which are provided shall be specified in the agreement or order by which any public utility is acquired by the district.

95655. All persons receiving pension benefits from such acquired public utility and all persons entitled to pension benefits under the pension plan of such acquired public utility may become members or receive pensions under the retirement system established by the district by mutual agreement of such persons and the district.

95656. Notwithstanding any provisions of the Government Code, the board may authorize payment of any or all of the premiums on any group life, accident and health insurance, health and welfare plan, or pension or retirement plan, on officers or employees of the district. Upon authorization by its employees, the district may make deductions from the wages and salaries of its employees:

(a) Pursuant to collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(b) For the payment of contributions pursuant to any health and welfare, pension, or retirement plan.

(c) For any purpose for which deductions may be authorized by employees of any private employer.

CHAPTER 5. RETIREMENT SYSTEM

Article 1. Establishment

95800. The board may establish a retirement system for the officers and employees of the district and provide for the payment of annuities, pensions, retirement allowances, disability payments, and death benefits or any of them.

95801. The district may maintain its own retirement fund or may provide for benefits to eligible officers and employees, or their beneficiaries, by means of group insurance, or other insurance, or by such means as in the opinion of the board will satisfactorily provide an adequate and sure method of meeting the payments contemplated by the retirement system.

95802. Before establishing any retirement system the board shall secure a report from a qualified actuary, which shall show the cost of the benefits provided by the system, and the prospective assets and liabilities of the system.

95803. The board may adopt all ordinances and resolutions and perform all acts necessary or convenient to the initiation, maintenance, and administration of the retirement system.

95804. Nothing in this chapter prevents the district from participating in and making all or part of its employees members of the State Employees' Retirement System by contract entered into between the district and the board of administration of the system under the State Employees' Retirement Law or from participating in the Federal Social Security Act

pursuant to Part 4 (commencing with Section 22000), Division 5, Title 2 of the Government Code, and the district may perform all acts necessary or convenient for such participation. Nothing in this chapter shall prevent the district from participating in and making all of its employees members of the Santa Barbara County Employees' Retirement System.

95805. The board may classify and determine the officers and employees who shall be included as members in the retirement system and may change the classification from time to time. Membership of all officers and employees so classified and included in the retirement system is compulsory. The retirement system shall not apply to members of the board.

Article 2. Benefits and Contributions

95830. The board may prescribe the terms and conditions upon which the officers and employees of the district or their beneficiaries shall be entitled to benefits and the amounts thereof, provided, that said board shall have no such authority respecting the County Employees Retirement Act of 1937.

95831. The retirement allowance may be predicated in part upon service rendered the district by a member prior to the establishment of the retirement system, which service is known as "prior service."

95832. The board shall provide that both the district and the members shall contribute to the retirement system. The rate of contribution by an officer or employee of the district becoming a member of the retirement system shall be so fixed as to provide, with accumulated interest and based on tables and assumptions adopted by the board, substantially one-half the value of any retirement allowance granted for service, exclusive of any credits allowed for prior service.

95833. All members of the retirement system shall contribute in the manner and amount fixed by the board and such contributions may be collected by deducting the amounts thereof from the salary, wages or compensation due such members.

95834. Liabilities accruing under the retirement system because of benefits other than such as are the equivalent of contributions by the members, with accumulated interests, shall be met by contributions by the district. Prior service or other liabilities of the district may be met by annual appropriations instead of by one appropriation for the total of the liabilities; but until the present value of regular contributions for current service, together with assets then available, equals the present value of all allowances and benefits granted or to be granted under the system, the appropriation for any one year when added to any unused balance of any previous appropriations for such purpose shall not be less than the amount disbursed during that year on account of prior service or other liabilities of the district.

95835. If any member withdraws from the retirement system prior to retirement the total amount contributed by him with such interest as may be credited thereto, shall be returned to him; provided, however, that the board may prescribe the terms and conditions upon which a member, whose district service is terminated except by death or retirement, may elect to leave his contributions and interest thereon in the retirement fund, and the terms and conditions upon which a retirement allowance may be made to him after such termination based upon his contributions prior to such termination.

95836. All money received by any person as an annuity, pension, retirement allowance, disability payment or death benefit, from the retirement system, and all contributions and interest thereon returned to any member of the retirement system, whether in the actual possession of such member or deposited, loaned, or invested by him, is exempt from execution, garnishment, or attachment and is unassignable.

Article 3. Retirement Board

95860. The board shall create a retirement board of not more than five members, at least two members of which shall be the elected representatives of the employees, to administer the retirement system, and shall define its powers and duties and the tenure of the members.

95861. All members of the retirement board shall serve without pay.

95862. The retirement board shall determine the eligibility of officers, employees, and their dependents to participation in the system and shall be the sole authority and judge under such ordinances as may be adopted by the board as to the conditions under which persons may be admitted to and continue to receive benefits of any sort under the retirement system, and may modify allowances for service and disability. The determination of the retirement board shall be final and conclusive and shall not be modified or set aside except for fraud or abuse of discretion.

95863. If the district maintains its own retirement fund the retirement board shall have exclusive control of the administration, investment, and disbursement of such fund. Investment of the fund shall be subject to the terms, conditions, limitations, and restrictions imposed by the laws of this state upon savings banks in the making of investments by savings banks, and cash may be deposited in any licensed national bank or banks in this state or in any bank, banks, or corporations authorized or licensed to do a banking business and organized under the laws of this state.

Article 4. Investigation and Penalties

95890. At least once in each four-year period after the establishment of the retirement system the board shall cause

to be made an actuarial valuation of the assets and liabilities of the retirement fund and upon the basis of such investigation and valuation shall make such revision or change of the rate of contribution, the periods and conditions of service, and amounts of retirement allowances as may be necessary.

95891. Except as herein provided, no member of the board or of the retirement board, nor any member of the retirement system or employee of the district, shall have any interest direct or indirect in the making of any investment or in the gains or profits accruing therefrom, and no such person, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds, nor shall any such person in any manner use the same except to make such current and necessary payments as are authorized by the retirement board, nor shall such a person become an endorser or surety as to, or in any manner an obligor for investments of the retirement fund.

CHAPTER 6. POWERS AND FUNCTIONS OF DISTRICT

Article 1. Corporate Power

96000. The district has perpetual succession and may adopt a seal and alter it at pleasure.

96001. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

96002. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this part. The district shall proceed in the name of the district in condemnation proceedings. The district, in exercising such power shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, cables or poles of any public utility or public district which is required to be moved to a new location.

No action in eminent domain to acquire property or interests therein within any incorporated city or any county shall be commenced unless the legislative body of the affected city or county has consented to such acquisition by resolution

No such taking or acquisition by the district which would involve the abandonment, removal, relocation, or use of property of a railroad corporation, as defined in Section 230 of this code, shall be permitted, unless the Public Utilities Commission, after hearing, shall find and determine that the public

interest and necessity require the abandonment, removal, relocation, or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical, and efficient service.

Article 2. Contracts

96030. The district may make contracts and enter into stipulations of any nature whatsoever either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this part.

96031. No officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom contrary to the provisions of Article 4 (commencing with Section 1090), Chapter 1, Division 4, Title 1 of the Government Code.

Article 3. Purchases

96060. The purchase of all supplies, equipment and materials, and construction of facilities and works, when the expenditure required exceeds three thousand dollars ($3,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

96061. If after rejecting bids the board determines and declares by a four-fifths vote of all its members that in its opinion the supplies, equipment and materials may be purchased at a lower price in the open market, the board may proceed to purchase the supplies, equipment and materials in the open market without further observance of the provisions requiring contracts, bids or notice.

96062. In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the board may, by resolution passed by a four-fifths vote of all its members declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed in such emergency without observance of the provisions requiring contracts, bids, or notice.

Article 4 Property

96090 The district may take by grant, purchase, gift, devise or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within or without the district when in its judgment it is for the best interests of the district so to do

96091. Whenever the board by resolution determines that any record, map, book, or paper in the possession of the district or any officer or employee thereof is of no further value to the district, the board may authorize its sale, destruction, or other disposition.

Article 5. Transit Facilities and Service

96120. The district may acquire, construct, own, operate, control or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals, and any and all other facilities necessary or convenient for transit service within or partly without the district, underground, upon, or above the ground and under, upon, or over public streets or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, and may acquire any interest in or rights to the joint use of any or all of the foregoing; provided, that installations in any street, road or other property devoted to a public use shall be subject to consent of the governing body in charge of such public use.

96121. The district may without limitation by any other provisions of this part requiring approval of indebtedness, accept contributions of money, rights-of-way, labor, materials, and any other property for the acquisition, construction, maintenance and operation of transit facilities, and may without limitation by any other provisions of this part enter into any contracts and cooperation with and accept cooperation from the state, or any department, instrumentality, or agency thereof, or any public agency in the acquisition, construction, maintenance, and operation of, and in financing the acquisition, construction, maintenance, and operation of, any such transit facilities.

96122. The district shall not interfere with or exercise any control over any transit facilities now or hereafter owned, and operated wholly or partly within the district by any city or public agency, unless by consent of such city or public agency and upon such terms as are mutually agreed upon between the board and such city or public agency.

96123. The district may lease or contract for the use of its transit facilities, or any portion thereof, to any operator, and

may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator" as used in this section means any city or public agency or any person, firm or private corporation.

96124. The district may construct and operate or acquire and operate works and facilities in, under, upon, over, across, or along any street or public highway or any stream, bay or watercourse, or over any of the lands which are the property of the state, to the same extent that such rights and privileges appertaining thereto are granted to municipalities within the state, and to install adequate bus stops, including the painting of curbs, subject to the consent of the governing body in charge of such streets, highways, stream, watercourse or lands.

96125. The district may enter into agreements for the joint use of any property and rights by the district and any city, public agency or public utility operating transit facilities; may enter into agreements with any city, public agency or public utility operating any transit facilities, either wholly or partially within, or without, the district, for the joint use of any property of the district or of such city, public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements.

96126. The rates and charges for service furnished pursuant to this part shall be fixed by the board and shall be reasonable.

96127. The board of supervisors or the city council of a municipality having territory located within the district may file a request for a hearing before the district board as to the reasonableness of any rates or charges fixed by the district and as to any proposal for fixing the location of facilities by the district The request shall be in writing and shall state the subject matter on which a hearing is desired.

96128. Upon the filing of a request for hearing as provided in Section 96127 the district board shall fix the time and place for hearing. The time fixed shall not be less than 15 days nor more than 60 days from the date such request is filed. Notice of such hearing shall be given to the county or city requesting such hearing and shall be published by the board.

96129. At the time fixed for any hearing before the board any board of supervisors or city council eligible to file a request for hearing, not a party to the original request for hearing, may intervene and shall be entitled to be heard and to introduce evidence.

96130. Within 30 days after submission of the case, the board shall render its decision and its decision shall be final.

Article 6. Indebtedness

96150. The district may borrow money for the purpose of defraying the expenses of the district lawfully incurred after the commencement of the fiscal year, but prior to the time moneys from the tax levy for the fiscal year are received by

the district, in a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of taxable property in the district at the time the moneys are borrowed, and may evidence such borrowing by notes bearing interest at a rate not to exceed 6 percent per annum. The notes shall be payable from the tax levy from the then current fiscal year, which levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

96151. The board of directors of a district may, within a period of two years from and after the formation of the district, pursuant to a resolution adopted by it for the purpose, borrow money on certificates of indebtedness, promissory notes, or other evidences of indebtedness, in anticipation of the estimated tax revenue for the following fiscal year, to be repaid within four years from the date of borrowing with interest at a rate not to exceed 6 percent per annum, in order to enable the district to meet all of its necessary initial expenses of organization, construction, acquisition, maintenance, and operation. The total amount of money borrowed and indebtedness incurred under this section during this two-year period shall not exceed 50 percent of the total amount of estimated tax revenue as estimated by the county auditor of the county in which the district lies for the following fiscal year.

The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

96152. The district shall not incur an indebtedness under Chapter 7 (commencing with Section 96400) of this part which in the aggregate exceeds two (2) percent of the assessed value of all the real and personal property within the district.

96153. The district may accept, without limitation by any other provisions of this part requiring approval of indebtedness, contributions or loans from the United States, this state, or any department, instrumentality, or agency of either thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, the United States, this state, or any department, instrumentality, or agency of either thereof, in the acquisition, construction, maintenance, and operation, and in financing the acquisition, construction, maintenance, and operation of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt,

under which aid, assistance, and cooperation may be furnished by the United States or this state in the acquisition, construction, maintenance, and operation or in financing the acquisition, construction, maintenance and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

Article 7. Investments

96180. The district may invest any surplus money in its treasury, including money in any sinking fund, in any of the following:

(a) Its own bonds.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act or the National Housing Act.

(d) Treasury notes or bonds of this state, or of any public corporation, municipal corporation, public district, or political subdivision within this state which are legal as security for the deposit of public funds.

96190. Such investment may be made by direct purchase of any issue of such bonds, treasury notes, or obligations, or part thereof, at the original sale or by the subsequent purchase of the bonds, treasury notes, or obligations.

96191. Any bonds, treasury notes, or obligations purchased and held as investments by the district may from time to time be sold and the proceeds reinvested in bonds, treasury notes, or obligations as provided in this article.

96192. Sales of any bonds, treasury notes, or obligations purchased and held by the district shall from time to time be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds, treasury notes, or obligations were originally purchased was placed in the treasury of the district.

Article 8. Taxation

96220. The district may levy, and collect or cause to be collected, taxes for any lawful purpose subject to a maximum limit of five cents ($0.05) per one hundred dollars ($100) of assessed value of all real estate and personal property; provided however, the district shall have the further power to levy, collect or cause to be collected, said property taxes to a maximum limit of ten cents ($0.10) if approval is first obtained from the City Council of the City of Santa Barbara and the Board of Supervisors of the County of Santa Barbara.

96221. If, in the opinion of the board, the transit operation revenues will not be sufficient for any and all lawful purposes the board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation.

96222. The board shall, in addition to the general tax levy as set forth in Section 96220, levy and collect annually until the district's bonds are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner aforesaid, sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity.

96223. The board may provide for the assessment, levy, and collection of taxes by the district, including the sale of property to the district for delinquent taxes, with penalties, interest, and cost.

96224. The board shall avail itself of the assessments made by the assessor of the county and of the assessments made by the State Board of Equalization for the county and shall take such assessments as the basis for district taxation and have its taxes collected by the tax collector of the county.

96225. In such case the county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in Section 96224 as equalized.

96226. The board shall, on or before the first day in September, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property transmitted to the board by the county auditor, which rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed, but the rate of taxation shall not exceed the limit imposed by this article.

96227. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditor of the county a statement of the rate of taxes fixed by the board.

96228. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the

general requirements and penalties provided by law for the settlement of other taxes.

96229. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold

96230. The compensation to be charged by and paid to any county for the performance of services under this article shall be fixed by agreement between the board of supervisors of the county and the board. The compensation shall in no event exceed one-half of 1 percent of all money collected for the district. The compensation collected by the county shall be placed to the credit of the county general fund.

All taxes levied under this part are a lien on the property on which they are levied and shall become a lien at the same time as county taxes. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this part so far as applicable.

CHAPTER 7. BONDS

Article 1. Issuance

96400. The district may from time to time incur a bonded indebtedness as provided in this chapter to pay the cost of acquiring, constructing, or completing the whole or any portion of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district.

96401. Whenever the board by resolution passed by vote of two-thirds of all its members determines that the public interest or necessity demands the acquisition, construction, or completion by the district of any transit facilities or any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, it may at any subsequent meeting of the board provide by ordinance for the submission of the proposition of incurring a bonded indebtedness for the purpose set forth in the resolution to the voters of the district at a special bond election held for that purpose.

96402. In lieu of a resolution passed by the board, proceedings for the issuance of bonds for the purposes provided in this chapter may be initiated by petition of the voters of the district.

96403. Whenever any petition signed by voters within the district equal in number to at least 15 percent of the total

vote cast at the last general statewide election is presented to the board asking for the acquisition, construction, or completion of the whole or any portion of any transit facilities or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, and also asking that a bonded indebtedness be incurred to pay for the cost thereof, the secretary of the district shall immediately examine and verify the signatures of the petition and certify the result of the examination to the board.

96404. If the required number of signatures is found to be genuine, the secretary shall transmit to the board an authentic copy of the petition without the signatures.

96405. Upon receiving a petition with the certificate of the secretary stating that it contains the required number of signatures, the board shall formulate for submission to the voters of the district at a special bond election called for that purpose the proposition of incurring a bonded indebtedness for the purposes set forth in the petition. In its discretion the board may defer the calling of the election until the next general election to be held in the district in order to consolidate them.

96406. The ordinance calling a special bond election shall fix the date on which the election will be held, and the manner of holding the election and of voting for or against incurring the indebtedness. It shall also recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the transit facilities, works, lands, structures, rights, equipment, or other property proposed to be acquired, constructed, or completed, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness, which shall not exceed 6 percent per annum, payable semiannually or annually the first year and thereafter semiannually.

96407. Propositions for incurring indebtedness for more than one object or purpose may be submitted at the same election.

96408. Any special bond election may be held separately, or may be consolidated with any other election authorized by law at which the voters of the district may vote. If a special bond election is consolidated with any other election, the provisions of this chapter setting forth the procedure for the calling and holding of the special bond election shall be complied with, except that the ordinance calling the election need not set forth the election precincts, polling places, and officers of election, but may provide that the precincts, polling places, and officers of election shall be the same as those set forth in the ordinance, notice, or other proceedings calling the election with which the special bond election is consolidated, and shall refer to the ordinance, notice, or other proceedings by number and title, or by other definite description.

96409. The ordinance shall be published, and no other notice of election need be given.

96410. The board shall comply with the provisions of Article 3, (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article. Wherever the words "county clerk" appear in the Elections Code the words "secretary of the board" shall be substituted, for the purposes of this article, and wherever the words "board of supervisors" appear in the Elections Code, the words "board of directors" shall be substituted, and wherever the words "district attorney or county counsel" appear in the Elections Code, the words "attorney for the district" shall be substituted.

96411. The votes of two-thirds ($\frac{2}{3}$) of all the voters voting on the proposition at the election are required to authorize the issuance of bonds under this chapter.

96412. If the proposition submitted at a special bond election fails to receive the requisite number of votes, the board shall not within six months after the election hold another special election for the submission of a proposition of incurring a bonded indebtedness substantially the same as the proposition voted upon at the prior election unless a petition signed by voters within the district equal in number to at least 15 percent of the total vote cast at the last general statewide election is filed with the board, requesting that the proposition, or a proposition substantially the same, be submitted at an election to be called for that purpose.

Article 2. Form and Content

96440. Bonds authorized by this chapter shall mature serially in amounts to be fixed by the board; except that payment shall begin not later than 10 years from the date thereof and shall be completed in not more than 50 years from that date.

The board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series, and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

Pending the actual issuance or delivery of bonds, a district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definite bonds when ready for delivery.

96441. The bonds shall be issued in such denominations as the board determines, except that no bonds shall be of a denomination less than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000) or any multiple thereof, and shall be payable on the day and

at the place or places fixed in the bonds, and with interest at the rate specified therein, payable semiannually.

96442. The board may at any time prior to the issuance and sale of any bonds provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity at not exceeding the par value and accrued interest plus a premium of not exceeding 5 percent upon the principal amount of the bonds, in which event the call price fixed by the board shall be set forth on the face of the bond. Notice of such redemption shall be published. If there is no newspaper of general circulation printed and published within the district, then the publication shall be made in a newspaper of general circulation printed and published within the county in which the district or any part thereof is situated. The first publication shall be at least 30 days prior to the date fixed for the redemption. After the date fixed for such redemption interest on the bonds thereafter shall cease.

96443. The bonds shall be signed by the president of the board or by such officer of the district as the board shall by resolution authorize and designate for that purpose. They shall also be signed by the treasurer, and be countersigned by the secretary. The coupons of the bonds shall be numbered consecutively and be signed by the treasurer. All signatures and countersignatures, except one of the signatures or countersignatures on the bonds, may be printed, lithographed, or engraved. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, the signature or countersignature is nevertheless valid and sufficient for all purposes as if he had remained in office until the delivery of the bonds.

Article 3. Issue and Sale

96470. The bonds may be issued and sold for not less than their par value, but otherwise as the board determines. Before selling any bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale.

96471. All premiums and accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds. The remainder of the proceeds of the bonds shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects or purposes for which the bonds were voted; provided that when such objects and purposes have been accomplished any moneys remaining shall be

transferred to the fund to be used for the payment of principal of and interest on the bonds, and that when all principal of and interest on the bonds shall have been paid, any balance of money then remaining shall be transferred to the general fund of the district.

96472. In lieu of the immediate levy of a tax to pay the interest or any part thereof on any bonded indebtedness incurred in accordance with this division, the board may in the estimate of the amount of money necessary to be raised by the bonds include a sum sufficient to pay interest on all of the bonds or part thereof during the period of acquisition, construction, or completion, but for no period in excess of five years.

Article 4. Refunding

96500. Whenever the board by resolution passed by a vote of two-thirds of all its members determines that the refunding of the whole or any portion of the bonded indebtedness will be of advantage to the district the board may refund the bonded indebtedness or any portion thereof and issue refunding bonds of the district therefor.

96501. The issuance of refunding bonds shall not be construed as the incurring or increase of an indebtedness within the meaning of this act, and the approval of the voters is not required for the issuance of refunding bonds The board may provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity in the ordinance authorizing the issuance of the refunding bonds

96502. Except as otherwise provided, the provisions of this chapter shall substantially govern as to all matters pertaining to the issuance of refunding bonds, including and without limiting the generality of the foregoing, the form, execution, issuance, maturity, redemption, refunding, validation, the payment of interest from bond funds, and the status of the bonds as investments.

96503. Refunding bonds shall bear interest at a rate not exceeding the interest rate on the refunded bonds, but payment of the refunding bonds shall begin not later than one year from the date thereof and be completed in not more than 40 years from that date.

96504. The proceeds of the sale of refunding bonds shall be applied only to the purchase, or retirement at not more than par and accrued interest, or the call price, of the bonded indebtedness for which the refunding bonds were issued.

96505. In lieu of selling refunding bonds and using the proceeds to purchase or retire the bonds to be refunded, the board may exchange refunding bonds at not less than par and accrued interest for the bonds so refunded

96506. Whenever outstanding bonds are refunded they shall be surrendered to the treasurer of the district, who shall cancel them by endorsing on their face the manner in which the refunding was effected (whether by exchange or purchase,

and the amount for which so purchased, if any) and by perforating through each bond and each coupon attached thereto the word "canceled" together with the date of cancellation.

Article 5 Status as Investments

96530. All bonds including refunding bonds issued by a district are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State School Fund and for all sinking funds under the control of the State Treasurer. Whenever any money or funds may by law be invested in or loaned upon the security of bonds of cities, cities and counties, counties, or school districts, in the state, such money or funds may be invested in or loaned upon the security of the bonds of the district; and whenever bonds of cities, cities and counties, counties, or school districts by law may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of the district may be so used.

96531. All bonds of the district, to the same extent as bonds of any other municipality, are legal for use by any state or national bank or banks in the state as security for the deposit of funds of the state or of any county, city and county, city, municipality, or other public or municipal corporation within the state.

Article 6. Validation

96560. An action to determine the validity of bonds, including refunding bonds, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Article 7. Revenue Bonds

96590. As an alternative procedure for the raising of funds, the district may issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), all of the provisions of which are applicable to the district.

96591. The district is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include transit facilities and any and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed or completed by the district. A district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more

facilities or enterprises authorized to be acquired, constructed, or completed by a district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction and completion of any one of such facilities. Nothing in this article shall prevent the district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the directors may determine.

CHAPTER 8. ANNEXATION

96750. Territory may be annexed to the district in the manner provided in this chapter.

96751. Whenever the board finds and determines that additional territory will be benefited by annexation to the district, it shall pass a resolution to that effect.

96752. The resolution shall be passed by a vote of two-thirds of the members of the board and be approved by the board of supervisors of the county in which the territory is situated.

96753. The resolution shall:

(a) Describe the boundaries of the territory proposed to be annexed.

(b) Designate the proposed annexation by an appropriate name.

(c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation.

96754. The resolution, together with the names of the members of the board, voting for and against it shall be published pursuant to Section 6066 of the Government Code in a newspaper published in the territory proposed to be annexed, or if there is no such paper, then in some newspaper of general circulation, circulated in such territory.

96755. On the day fixed for hearing or any day to which the hearing is adjourned, the board shall hear and consider any objections presented to the annexation of the territory. After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the board that the territory proposed to be annexed will be benefited by such annexation, the board shall proceed to fix and determine the boundaries of the territory to be annexed to the district.

96756. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of the members, the board shall order the annexation of the territory so described. The resolution, together with the names of the members of the board voting for and against the same shall be spread upon the minutes of the board.

96757. Whenever any territory is annexed to the district it shall thereupon become a part of the district subject to all the liabilities and entitled to all the benefits of the district.

CHAPTER 9. EXCLUSION

96900. Unincorporated territory within the district may be excluded from the district in the manner provided in this chapter.

96901. Proceedings for the exclusion of such unincorporated territory may be initiated by the filing of a petition with the board of supervisors signed by not less than 10 percent of the registered voters in the territory proposed to be excluded.

96902 The petition shall:

(a) Describe the boundaries of the territory proposed to be excluded.

(b) Declare that the area to be excluded from the district is not benefited by remaining in the district.

(c) Request exclusion of the territory.

96903. After the petition is filed with the board of supervisors, the board of supervisors shall determine whether the petition is signed by a sufficient number of registered voters and, if the petition is sufficient, the board of supervisors shall fix a date for public hearing on the said petition not less than 20 nor more than 60 days after the filing of the said petition with the board of supervisors and shall cause notice of the said hearing to be published in a newspaper of general circulation, in compliance with Government Code Section 6066.

96904. The notice shall contain the following:

(a) That a petition for exclusion has been filed with the board of supervisors.

(b) That a public hearing will be held upon the said petition and the proposed exclusion, stating the time and place of said public hearing.

(c) That any interested person may appear and be heard at said public hearing.

(d) Describe the boundaries of the territory proposed to be excluded.

96905. On the day fixed for the hearing, or any day to which the hearing may be adjourned, the board of supervisors shall hear persons interested, and shall hear and consider any objections to the proposed exclusion. After the hearing, if it shall be determined by a vote of two-thirds of all of the members of the board of supervisors that the territory proposed to be excluded will not be benefited by remaining in the district, the board of supervisors shall, by resolution, order the said territory excluded. The exclusion shall be effective immediately, provided, however, that the excluded territory shall not be relieved by such exclusion from liability for taxation for the payment of any bonded indebtedness existing at the time

of the exclusion. Notice of the exclusion shall be given pursuant to Government Code Sections 54900 et seq.

CHAPTER 10. DISSOLUTION

97000. If the district operates no transit facilities, or its exterior boundaries become coincident with the boundaries of a single city, the board may call an election at any time for the purpose of submitting to the voters of the district the question of whether the district will be dissolved. Upon the filing with the secretary of the district of a petition signed by voters within the district equal in number to at least 25 percent of the total vote cast at the last general statewide election, asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call such an election.

97001. The election for the purpose of submitting to the voters of the district the question of whether or not the district shall be dissolved shall be held within 60 days next succeeding the date on which the petition is filed.

97002. Notice of any election for dissolution, whether called because of the filing of a petition or ordered by the board without petition, shall be published. The date fixed for the election shall not be less than 30 days from the date of the first publication of the notice.

97003. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following:

Shall the Santa Barbara Metropolitan Transit District be dissolved?	YES	
	NO	

97004. The board shall canvass the vote. If a majority of the votes favor dissolution, the board shall by resolution dissolve the district.

97005. The board shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder.

97006. Upon dissolution the right, title, and interest to property owned or controlled by the district situated within the limits of any city vests absolutely in the city. If such property is situated outside the limits of a city, it vests in the county in which it is situated.

97007. The board of supervisors is, ex officio, the governing body of any dissolved district. It may levy taxes and assessments and perform other acts necessary to wind up the district affairs and to raise money for the payment of outstanding indebtedness.

CHAPTER 11.

97100. If a district is not formed under the provisions of this act prior to October 1, 1967, then this act shall terminate on such date.

CHAPTER 1836

An act to add Chapter 4 (commencing with Section 74450) to Part 5, Division 21, of the Water Code, relating to water conservation 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. Chapter 4 (commencing with Section 74450) is added to Part 5, Division 21 of the Water Code, to read:

CHAPTER 4. REDIVISION OF A DISTRICT WITHIN VENTURA COUNTY

Article 1. Introduction

74450. The provisions of this chapter apply only to districts within Ventura County.

74451. Except as provided in this chapter every district within Ventura County shall be governed by the provisions of this division.

Article 2. Redivision Procedure

74460. The number of members of the board and the basis for dividing a district into divisions for the election of directors may be changed in the manner prescribed in this chapter.

74461. Such change may be initiated by the board by resolution or may be initiated by a petition signed by not less than 5 percent of the electors of the district. Such resolution or petition shall state the new number of members of the board or the new basis for dividing the district into divisions based either on area or population.

74462. If the divisions are based on population, the population of each as determined by the last published decennial federal census shall be substantially equal in population. In no event shall the total population of any combination of divisions comprising a majority of the number of divisions of the district equal less than one-half of the population of the district. In no event shall the largest division exceed the population of the smallest division by a ratio exceeding 2 to 1.

In establishing the boundaries of the divisions consideration may be given to the following factors: topography, geography,

cohesiveness, contiguity, compactness of territory, and community of interests of the divisions.

74463. When such change has been initiated the board within 60 days thereafter shall submit to the board of supervisors its report thereon containing a map or description of recommended division boundaries in accordance with this Division 21.

74464. Within 40 days after receipt of the report of the board, the board of supervisors may change the division boundaries recommended by the board provided such change is in accordance with such resolution or petition and this chapter and shall fix the time and place of a hearing by the board not less than 30 nor more than 60 days thereafter.

74465. The clerk of the board of supervisors shall cause a notice of the time and place of the hearing to be given by publication within the district in accordance with Section 6066 of the Government Code. Such notice shall state the number of existing divisions of the district, the proposed new number of divisions or the proposed new basis for dividing the district, or both, and shall contain a general description of, or map showing, the division boundaries proposed by the board of supervisors and the population of each division.

74466. The board of supervisors shall hear all interested persons and may adjourn the hearing from time to time. Following such hearing the board of supervisors may further change the proposed division boundaries provided such change is in accordance with this chapter and the resolution and petition. The board of supervisors shall make an order describing the proposed divisions of the district, numbering such divisions consecutively, and directing that such proposed redivision be submitted to the electors of the district at a special election to be consolidated with the next district general election to be held not earlier than 120 days thereafter.

74467. The election on the proposed redivision of the district shall be held in the same manner as elections for the formation of a district so far as applicable. No particular form of ballot shall be required except that the ballot shall contain the words "_____Water Conservation District representation to be based on (population) (area) rather than on (area) (population) (and _____ Water Conservation District directors to be (increased (decreased) from _____ to _____ Yes _____ No," or words equivalent thereto. Any proposed redivision or change in number of directors shall become effective if a majority of the electors voting in the election vote "yes" thereon.

74468. Directors to fill vacancies in new divisions in the event the redivision is approved by the voters shall be nominated and elected at the same election in the same manner as for election of directors of a district so far as applicable. If one incumbent director resides within a proposed new division his term of office shall not be affected by the approval of the redivision by the voters of the district. If two or more incum-

bent directors reside within a proposed new division, the term of office of each of them will terminate on the approval of such redivision unless only one is duly nominated, in which case his term of office shall not be affected by the approval of such redivision A candidate who is a director of the district shall be permitted to have the word "Incumbent" or words equivalent thereto placed after his name on the ballot.

74469. Following approval by the voters of a redivision of the district, the directors shall, to the extent necessary, classify themselves in the manner provided by Section 74202.

74470. If the board of supervisors, at any time after making an order as provided by Section 74466 and prior to the election on the proposed redivision of the district, finds that it is in the public interest to do so, it may appoint not more than two electors of the district as temporary additional directors of the district. The number of temporary additional directors thus appointed shall be irrespective of the number of existing divisions of the district and of the number of proposed new divisions of the district. Such temporary additional directors shall have all of the powers, rights and privileges of elected directors and shall hold office until the election on the proposed redivision of the district

SEC. 2. The Legislature hereby finds and declares that facts and circumstances exist in Ventura County peculiar to that county which necessitates the special procedure provided by this act for redividing water conservation districts within Ventura County including, but not limited to, the general location of this district and its proximity to the ocean, the extremely rapid changes in geographic and economic distribution of the elements which are involved in the activities of the district, and the problem of salt water intrusion which the entire district is engaged in combating although it is basically an urban problem.

CHAPTER 1837

An act to amend Sections 7153 and 7153.1 of the Financial Code, relating to savings and loan associations.

[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 7153 of the Financial Code is amended to read:

7153. An association may make amortized loans upon the security of residential real property, the principal improvements on which consist of a dwelling or dwellings for not more than four families, in an amount not in excess of 80 percent of the appraised value of such real property if the appraised value does not exceed forty thousand dollars ($40,000), or not

in excess of 80 percent of the first forty thousand dollars ($40,000) of such appraised value if it exceeds forty thousand dollars ($40,000) plus 70 percent of the remainder of such appraised value.

SEC. 2. Section 7153.1 of said code is amended to read:

7153.1. An association may make amortized loans upon the security of improved real property in an amount not in excess of 80 percent of the appraised value of such real property if the appraised value does not exceed forty thousand dollars ($40,000) or not in excess of 80 percent of the first forty thousand dollars ($40,000) of such appraised value if it exceeds forty thousand dollars ($40,000), plus 70 percent of the remainder of such appraised value if one of the following conditions is met:

(a) The real property is a condominium, as defined in Civil Code Section 783, designed for one-family occupancy, and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the condominium project.

(b) The real property is a residential unit designed for one-family occupancy within a community apartment project in which an undivided interest in the fee is coupled with the exclusive right of occupancy of such residential unit and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the community apartment project.

(c) The real property is a residential unit, designed for one-family occupancy, within a cluster-type residential project, in which the fee interest in such real property is coupled with an undivided interest in common in a portion of the remaining real property on which such project is located, and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the project.

CHAPTER 1838

An act to add Section 31535 to the Government Code, relating to the County Employees Retirement Law.

[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 31535 is added to the Government Code, to read:

31535. The board may issue subpoenas and subpoenas duces tecum, and compensate persons subpoenaed. This power shall be exercised and enforced in the same manner as the similar power granted the board of supervisors in Article 9 (commencing with Section 25170) of Chapter 1, Part 2, Division 2

of this title; except that such power shall extend only to matters within the retirement board's jurisdiction, and committees of the board shall not have this power. Reasonable fees and expenses may be provided for by board regulation for any or all of such witnesses regardless of which party subpoenaed them.

Subpoenas shall be signed by the chairman or secretary of the retirement board, except that the board may by regulation provide for express written delegation of its subpoena power to any referee it appoints pursuant to this chapter.

Any member of the board, the referee, or any person otherwise empowered to issue subpoenas may administer oaths to, or take depositions from, witnesses before the board or referee.

CHAPTER 1839

An act to amend Section 26292 of the Health and Safety Code, relating to drugs.

[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 26292 of the Health and Safety Code is amended to read:

26292. Section 26288 shall not apply to any of the following:

(1) To a drug or device intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of drugs or devices, if all of the following conditions are complied with:

(a) The label of the drug or device bears the statement "Caution: New drug (or device). Limited by law to investigational use."

(b) The drug or device has had adequate testing on appropriate experimental animals to demonstrate a lack of toxicity and hazard sufficient to permit its use in or on human beings in equivalent dosage and to establish with clarity the margins of safety ordinarily recognized by experts qualified by scientific training and experience to investigate the safety and effectiveness of such drugs or devices.

(c) The drug or device is to be used solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety and effectiveness of such drug or device.

(d) A written statement signed by the expert has been filed with the board. The statement shall show that the expert has adequate facilities for the investigation to be conducted by him, and that the drug or device will be used solely by him or under his direction for the investigation, unless and until an

application becomes effective, concerning such drug or device, under Section 26289.

(e) The statement referred to in subdivision (d) is kept by the expert and complete records showing the date, quantity and batch or code mark (if any) of each such shipment and delivery.

(f) All records and statements referred to in subdivisions (d) and (e) are made available by the expert for inspection upon the request of any agent of the board at any reasonable hour until two years after the introduction of such shipment or delivery into intrastate commerce.

(g) The manufacture, or the sponsor of the investigation, of a drug or device to be used solely for investigational use shall require that experts using such drugs or devices certify to the manufacturer or sponsor that they will inform any human beings to whom such drugs or devices, or any controls used in connection therewith, are being administered, or their representatives, that such drugs or devices are being used for investigational purposes and will obtain the consent of such human beings or their representatives, except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings

(2) To a drug or device sold in this state at any time prior to the effective date of this chapter, or to a drug introduced into interstate commerce at any time prior to the enactment of the federal act.

(3) To any drug which is licensed under the Federal Virus, Serum, and Toxin Act of March 4, 1913 (37 Stat. 832), or Chapter 4 (commencing at Section 1600) of Division 2 of this code.

(4) To products produced by a laboratory licensed under Section 351 of Title III of the Public Health Service Act (Public Law 410, Chapter 373, 78th Congress—Second Session).

(5) To any antibiotic drug subject to Section 26243.5 of this code.

(6) To any device used within the scope of his license privileges by a physician and surgeon, podiatrist, dentist, optometrist or veterinarian licensed as such in this state.

CHAPTER 1840

An act to amend Section 21107.7 of the Vehicle Code, relating to private roads.

[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 21107 7 of the Vehicle 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.

CHAPTER 1841

An act to add Section 9201.1 to the Corporations Code, relating to 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 9201.1 is added to the Corporations Code, to read:

9201.1. Any nonprofit corporation formed under Section 9201 which defrays or assumes some portion or all of the costs of refractions or eye appliances shall offer an equal opportunity to render professional services upon a uniform basis to all licentiates expressly authorized by law to render such services.

CHAPTER 1842

An act to amend Section 18032 of the Streets and Highways Code, relating to street lighting.

[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 18032 of the Streets and Highways Code is amended to read:

18032. If there is more than one street lighting system in any city any or all of such systems may be consolidated and improved under one proceeding. In such case the consolidated system shall be zoned so that those systems of approximately the same general type are grouped together.

In any district wherein zones have been established under this part and where subsequent to such establishment, improvements are made to portions of the lighting system in any zone which are of the same general type as in other existing zones within the district, the portion of the zone which has been so improved may be transferred to a zone with a lighting system of the same general type pursuant to the same procedure of resolution, notice and hearing as are applicable under this chapter for the formation of the district.

CHAPTER 1843

An act to amend Section 8361 of the Water Code, relating to the Sacramento River Flood Control Project.

[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 8361 of the Water Code is amended to read:

8361. The department shall maintain and operate on behalf of the state the following units or portions of the works of the Sacramento River Flood Control Project, and the cost of such maintenance and operation shall be defrayed by the state.

(a) The east levee of the Sutter Bypass north of Nelson Slough.

(b) The levees and channels of the Wadsworth Canal, Willow Slough Channel downstream from the Southern Pacific Railroad from Davis to Woodland except that portion of the north levee thereof lying within Reclamation District No 2035, Putah Creek downstream from Winters, the intercepting canals draining into them, and all structures incidental thereto.

(c) The collecting canals, sumps, pumps and structures of the drainage system of Project No. 6 east of the Sutter Bypass.

(d) The bypass channels of the Butte Slough Bypass, the Sutter Bypass, the Tisdale Bypass, the Yolo Bypass and the Sacramento Bypass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.

(e) The levees of the Sacramento Bypass.

(f) The channels and overflow channels of the Sacramento River and its tributaries and the major and minor tributaries' flood control projects as authorized and defined in Sections 12648, 12648.1, and 12656.5.

(g) The Knights Landing ridge cut flowage area.

(h) The flood relief channels controlled by the Moulton and Colusa Weirs and the training levees thereof.

(i) The levee on the left bank of the Sacramento River adjoining Butte Basin, from the Butte Slough outfall gates upstream to a point four miles northerly from the Moulton Weir, after completion.

(j) All weirs and relief structures.

(k) The west levee of the Yolo Bypass, extending from the west end of the Fremont Weir southerly to the Cache Creek Settling Basin and from Willow Slough Channel to Putah Creek and the east levee of the Yolo Bypass from Fremont Weir southerly two miles.

(*l*) The levee on the west bank of Feather River extending a distance of about two miles southerly from the Sutter-Butte Canal headgate.

(m) The levees of Cache Creek and the easterly and westerly levees of Cache Creek Settling Basin; excepting the portion of the southerly levee of Cache Creek lying upstream from State Highway Route 7 (U.S. 99W).

(n) The flowage area of Western Pacific Intercepting Canal extending northerly for a distance of five miles from Bear River.

(o) The levees of Tisdale Bypass from Tisdale Weir 4.5 miles easterly to Sutter Bypass.

CHAPTER 1844

An act to amend Sections 73832, 73834, 73839, 74012, 74014, 74020, 74882, 74883, 74884, 74885, and 74890 of, and to repeal Sections 73833, 73835, 73836, 74013, 74015, 74015.5, and 74885.5 of, and to add Sections 73833, 73835, 74013, and 74015, to, the Government Code, relating to municipal court personnel.

[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 73832 of the Government Code is amended to read:

73832. There shall be one municipal court clerk who shall receive a minimum salary of six hundred forty-two dollars ($642) monthly with annual increments, in the manner provided in this article, of thirty-one dollars ($31), thirty-four dollars ($34), thirty-four dollars ($34) and thirty-eight dollars ($38) to a maximum of seven hundred seventy-nine dollars ($779) monthly.

SEC. 2. Section 73833 of said code is repealed.

SEC. 3. Section 73833 is added to said code, to read:

73833. The clerk may appoint:

(a) One assistant municipal court clerk who shall receive a salary of four hundred ninety dollars ($490) monthly with annual increments, in the manner provided in this article, of twenty-five dollars ($25), twenty-five dollars ($25), twenty-seven dollars ($27) and twenty-eight dollars ($28) to a maximum of five hundred ninety-five dollars ($595) monthly.

(b) One deputy clerk IV who shall receive a salary of four hundred forty-five dollars ($445) monthly with annual increments in the manner provided in this article of twenty-one dollars ($21), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-five dollars ($25) to a maximum of five hundred forty dollars ($540) monthly.

(c) Six deputy clerks III who shall receive a salary of three hundred eighty-four dollars ($384) monthly with annual increments, in the manner provided in this article, of nineteen dollars ($19), twenty dollars ($20), twenty-two dollars ($22) and twenty-one dollars ($21) to a maximum of four hundred sixty-six dollars ($466) monthly.

(d) Eight deputy clerks II who shall receive a salary of three hundred thirty dollars ($330) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

(e) Four deputy clerks I who shall receive a salary of two hundred ninety-eight dollars ($298) monthly with annual increments, in the manner provided in this article, of seventeen

dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly.

SEC. 4. Section 73834 of said code is amended to read:

73834. There shall be one marshal who shall receive a minimum salary of five hundred eighty-one dollars ($581) 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 seven dollars ($707) monthly.

SEC. 5. Section 73835 of said code is repealed.

SEC. 6. Section 73835 is added to said code, to read:

73835. The marshal may appoint:

(a) One marshal's sergeant who shall receive a salary of five hundred two dollars ($502) monthly with annual increments, in the manner provided in this article, of twenty-six dollars ($26), twenty-six dollars ($26), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of six hundred ten dollars ($610) monthly.

(b) Five deputy marshals who shall receive a salary of four hundred seventy-eight dollars ($478) monthly with annual increments, in the manner provided in this article, of twenty-four dollars ($24), twenty-six dollars ($26), twenty-six dollars ($26), and twenty-seven dollars ($27) to a maximum of five hundred eighty-one dollars ($581) monthly.

(c) One deputy clerk II who shall receive the same salary as provided in subdivision (c) of Section 73833.

(d) Under the same circumstances, and subject to the provisions set forth in Section 72150, the marshal may employ the services, either part-time or full-time, of an additional clerk or clerks, as may be required. Such clerk or clerks shall receive the same salary as provided in subdivision (d) of Section 73833.

SEC. 7. Section 73836 of said code is repealed.

SEC. 8. Section 73839 of said code is amended to read:

73839. Notwithstanding any other provisions of this article, if at any date on or after October 1, 1965, any higher compensation is established for any of the hereafter mentioned positions under the County of Ventura, the following provisions shall apply to adjustments of the salaries set forth in this article, provided that such adjustments shall not increase the salaries of such positions in an amount in excess of 15 percent of the rates established by the 1965 amendments to this article.

(a) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as superior court clerk, the salary range of each person holding the position of assistant municipal court clerk shall be changed by increasing each such salary step by the same amount.

(b) Whenever a higher compensation is established for the positions now and hereafter designated in the Ventura County

Salary Ordinance as senior clerk, intermediate typist-clerk, and typist-clerk, the salary of each person holding a similar position shall be changed by increasing each salary step by the same amount.

(c) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as sheriff's sergeant the salary of the marshal shall be changed by increasing each salary step by the same amount.

(d) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as deputy sheriff the salary of persons holding the position of deputy marshal and marshal's sergeant shall be changed by increasing each such salary step by the same amount.

(e) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as supervising superior court clerk the salary range for the municipal court clerk shall be changed by increasing each such salary step by the same proportion.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Ventura County Salary Ordinance is payable.

This section shall remain in effect until the 91st day after the final adjournment of the 1967 Regular Session of the Legislature.

SEC. 9. Section 74012 of said code is amended to read:

74012. There shall be one municipal court clerk who shall receive a minimum salary of six hundred forty-two dollars ($642) monthly with annual increments, in the manner provided in this article, of thirty-one dollars ($31), thirty-four dollars ($34), thirty-four dollars ($34) and thirty-eight dollars ($38) to a maximum of seven hundred seventy-nine dollars ($779) monthly.

SEC. 10. Section 74013 of said code is repealed.

SEC. 11. Section 74013 is added to said code, to read:

74013. The clerk may appoint:

(a) One assistant municipal court clerk who shall receive a salary of four hundred ninety dollars ($490) monthly with annual increments, in the manner provided in this article, of twenty-five dollars ($25), twenty-five dollars ($25), twenty-seven dollars ($27) and twenty-eight dollars ($28) to a maximum of five hundred ninety-five dollars ($595) monthly.

(b) Three deputy clerks IV who shall receive a salary of four hundred forty-five dollars ($445) monthly with annual increments in the manner provided in this article of twenty-one dollars ($21), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-five dollars ($25) to a maximum of five hundred forty dollars ($540) monthly.

(c) Eight deputy clerks III who shall receive a salary of three hundred eighty-four dollars ($384) monthly with annual

increments, in the manner provided in this article, of nineteen dollars ($19), twenty dollars ($20), twenty-two dollars ($22) and twenty-one dollars ($21) to a maximum of four hundred sixty-six dollars ($466) monthly.

(d) Two deputy clerks II who shall receive a salary of three hundred thirty dollars ($330) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

(e) Two deputy clerks I who shall receive a salary of two hundred ninety-eight dollars ($298) monthly with annual increments, in the manner provided in this article, of seventeen dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly.

SEC. 12. Section 74014 of said code is amended to read:

74014. There shall be one marshal who shall receive a minimum salary of five hundred eighty-one dollars ($581) with annual increments, in the manner provided in this article, of twenty-nine dollars ($29), thirty-one dollars ($31), thirty-two dollars ($32), and thirty-four dollars ($34) to a maximum of seven hundred seven dollars ($707) monthly.

SEC. 13. Section 74015 of said code is repealed.

SEC 14. Section 74015 is added to said code, to read:

74015. The marshal may appoint:

(a) One marshal's sergeant who shall receive a salary of five hundred two dollars ($502) monthly with annual increments, in the manner provided in this article, of twenty-six dollars ($26), twenty-six dollars ($26), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of six hundred ten dollars ($610) monthly.

(b) Eight deputy marshals who shall receive a salary of four hundred seventy-eight dollars ($478) monthly with annual increments, in the manner provided in this article, of twenty-four dollars ($24), twenty-six dollars ($26), twenty-six dollars ($26), and twenty-seven dollars ($27) to a maximum of five hundred eighty-one dollars ($581) monthly.

(c) Two deputy clerks II who shall receive a salary of three hundred thirty dollars ($330) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

(d) One deputy clerk I who shall receive a salary of two hundred ninety-eight dollars ($298) monthly with annual increments, in the manner provided in this article, of seventeen dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly.

SEC. 15. Section 74015.5 of said code is repealed.

SEC. 16. Section 74020 of said code is amended to read:

74020. Notwithstanding any other provisions of this article, if at any date on or after October 1, 1965 any higher compensation is established for any of the hereafter mentioned positions under the County of Ventura, the following positions shall apply to adjustments of the salaries set forth in this article, provided that such adjustments shall not increase the salaries of such positions in an amount in excess of 15 percent of the rates established by the 1965 amendments to this article.

(a) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as superior court clerk, the salary range of each person holding the position of assistant municipal court clerk shall be changed by increasing each such salary step by the same amount.

(b) Whenever a higher compensation is established for the positions now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, intermediate typist-clerk, and typist-clerk, the salary of each person holding a similar position shall be changed by increasing each salary step by the same amount.

(c) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as sheriff's sergeant the salary of the marshal shall be changed by increasing each salary step by the same amount.

(d) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as deputy sheriff the salary of persons holding the position of deputy marshal and marshal's sergeant shall be changed by increasing each such salary step by the same amount.

(e) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as supervising superior court clerk the salary range for the municipal court clerk shall be changed by increasing each such salary step by the same proportion.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Ventura County Salary Ordinance is payable.

This section shall remain in effect until the 91st day after the final adjournment of the 1967 Regular Session of the Legislature.

SEC. 17. Section 74882 of the Government Code is amended to read:

74882. There shall be one municipal court clerk who shall receive a minimum salary of six hundred forty-two dollars ($642) monthly with annual increments, in the manner provided in this article, of thirty-one dollars ($31), thirty-four dollars ($34), thirty-four dollars ($34) and thirty-eight dol-

lars ($38) to a maximum of seven hundred seventy-nine dollars ($779) monthly.

SEC. 18. Section 74883 of said code is amended to read:

74883. The municipal court clerk may appoint:

(a) One assistant municipal court clerk who shall receive a salary of four hundred ninety dollars ($490) monthly with annual increments, in the manner provided in this article, of twenty-five dollars ($25), twenty-five dollars ($25), twenty-seven dollars ($27) and twenty-eight dollars ($28) to a maximum of five hundred ninety-five dollars ($595) monthly.

(b) One deputy clerk IV who shall receive a salary of four hundred forty-five dollars ($445) monthly with annual increments in the manner provided in this article of twenty-one dollars ($21), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-five dollars ($25) to a maximum of five hundred forty dollars ($540) monthly.

(c) Four deputy clerks III who shall receive a salary of three hundred eighty-four dollars ($384) monthly with annual increments, in the manner provided in this article, of nineteen dollars ($19), twenty dollars ($20), twenty-two dollars ($22) and twenty-one dollars ($21) to a maximum of four hundred sixty-six dollars ($466) monthly.

(d) Four deputy clerks II who shall receive a salary of three hundred thirty dollars ($330) monthly with annual increments, in the manner provided in this article, of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

(e) Two deputy clerks I who shall receive a salary of two hundred ninety-eight dollars ($298) monthly with annual increments, in the manner provided in this article, of seventeen dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly.

SEC 19. Section 74884 of said code is amended to read:

74884 There shall be one marshal who shall receive a minimum salary of five hundred eighty-one dollars ($581) 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 seven dollars ($707) monthly.

SEC. 20. Section 74885 of said code is amended to read:

74885 The marshal may appoint:

(a) One marshal's sergeant who shall receive a salary of five hundred two dollars ($502) monthly with annual increments, in the manner provided in this article, of twenty-six dollars ($26), twenty-six dollars ($26), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of six hundred ten dollars ($610) monthly.

(b) Four deputy marshals who shall receive a salary of four hundred seventy-eight dollars ($478) monthly with annual increments, in the manner provided in this article, of

twenty-four dollars ($24), twenty-six dollars ($26), twenty-six dollars ($26), and twenty-seven dollars ($27) to a maximum of five hundred eighty-one dollars ($581) monthly.

(c) One deputy clerk II who shall receive the same salary as provided in subdivision (c) of Section 74883.

SEC. 21. Section 74885.5 of said code is repealed.

SEC. 22. Section 74890 of said code is amended to read:

74890. Notwithstanding any other provisions of this article, if at any date on or after October 1, 1965, any higher compensation is established for any of the hereafter mentioned positions under the County of Ventura, the following provisions shall apply to adjustments of the salaries set forth in this article, provided that such adjustments shall not increase the salaries of such positions in an amount in excess of 15 percent of the rates established by the 1965 amendments to this article.

(a) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as superior court clerk, the salary range of each person holding the position of assistant municipal court clerk shall be changed by increasing each such salary step by the same amount.

(b) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as senior clerk, intermediate typist-clerk, and typist-clerk, the salary of each person holding a similar position shall be changed by increasing each salary step by the same amount.

(c) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as sheriff's sergeant the salary of the marshal shall be changed by increasing each salary step by the same amount.

(d) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as deputy sheriff the salary of persons holding the position of deputy marshal and marshal's sergeant shall be changed by increasing each such salary step by the same amount.

(e) Whenever a higher compensation is established for the position now and hereafter designated in the Ventura County Salary Ordinance as supervising superior court clerk the salary range for the municipal court clerk shall be changed by increasing each such salary step by the same proportion.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Ventura County Salary Ordinance is payable.

This section shall remain in effect until the 91st day after the final adjournment of the 1967 Regular Session of the Legislature.

CHAPTER 1845

An act to add Section 5865.1 to the Public Resources Code, relating to small craft launching facilities.

[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 5865.1 is added to the Public Resources Code, to read:

5865.1. If the commission determines that any loan not exceeding the sum of fifty thousand dollars ($50,000) which was made to a local agency pursuant to Section 5827 prior to September 15, 1961, (the effective date of the program of grants to local agencies for the construction and development of small craft launching facilities) for the construction and development of small craft launching facilities, would have been made as a grant under Section 5865 if that section had been in effect, the commission may amend the existing loan contract to provide that no further repayments due or payable thereunder on the effective date of this section are required and such loan shall thereafter be considered for all purposes a grant pursuant to Section 5865. If the commission so amends such a contract, the contract shall provide, however, that if in any fiscal year there is any net profit over and above operational and maintenance expenses from the facilities constructed or developed with funds obtained by such a loan, the local agency shall pay such net profit for each such fiscal year to the state as a partial repayment of the loan until the loan is repaid in full. The contract, if so amended, shall further provide that use of any launching ramp shall be free of charge.

The Legislature hereby finds and declares that the enactment of this section is necessary in the public interest in order to permit the continued operation and maintenance of certain launching facilities financed prior to September 15, 1961, since the inadequacy of revenues from said launching facilities, one of the principal factors which prompted the enactment in 1961 of the grant program, may, if loan repayments are required, result in the economic failure and discontinuance of these facilities.

CHAPTER 1846

An act to add Section 440 to, and to amend Sections 2183 and 2193 of, and repeal Section 4183 of, the Welfare and Institutions Code and to add Section 11006.5 to, and to amend Sections 12013 and 12158 of, and repeal Section 13702 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, relating to protective payments to public assistance recipients.

[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 440 of the Welfare and Institutions Code is added, to read:

440. This section shall be applicable only to those aid recipients under Chapter 1 (commencing with Section 2000) of Division 3, Chapter 1 (commencing with Section 3000) of Part 1 of Division 5, and Chapter 1 (commencing with Section 4000) of Part 2 of Division 5 of this code.

Alternate methods of providing assistance may be used for recipients of aid under the programs mentioned above who are found to be unable to manage the cash grant to their own best advantage. Such payment may only be used when it is determined by the county director that the recipient has, by reason of his physical or mental condition, such inability to manage funds that making cash payments to him would be contrary to his welfare.

Aid under this section may be paid to a guardian or conservator on behalf of the recipient. If no guardian or conservator is available, aid shall be paid, in whole or in part, to some other individual who is interested in or concerned with the welfare of the recipient. The department shall make regulations for the payment of aid under this section and for the selection of such substitute payee.

Payments, on behalf of aid recipients, to anyone other than the recipient himself, a guardian or a conservator shall not, on a statewide basis, exceed eight percent (8%) of the Old Age Security caseload, five percent (5%) of the Aid to the Blind caseload and five percent (5%) of the Aid to the Needy Disabled caseload.

SEC. 2. Section 2183 of said code is amended to read:

2183. If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county. All payments of aid under this chapter shall be made monthly in advance by the treasurer of the county and shall be paid as of the first day of each month.

The warrant shall be placed in the mail in time for delivery on the first postal delivery day of each month.

Such payment shall be paid by warrant and shall be delivered to the applicant at his residence if he so requests.

If a recipient of aid dies before any warrant or warrants to which he is found to be entitled can be issued to him as payee, such warrant or warrants may designate the legal representative of the decedent's estate as payee, or, if there be no authorized legal representative, the heir of the decedent who can demonstrate his legal right thereto may be designated as payee.

SEC. 3. Section 2193 of said code is amended to read:

2193. No citizen of California receiving such aid shall be considered in the custody of the State of California, or any subdivision thereof, by reason of such aid, or subject to control in his manner of living, by state or county officials or employees of the county in which he shall reside; save when adjudged incompetent to care for himself by proper tribunal or when admitted to a state or county hospital for medical attention, in which case he shall be subject to the rules of the institution in the same degree as other patients. Nothing contained in this section shall prevent the payment of aid to another individual for the benefit of the recipient, as provided in Section 440.

SEC. 4. Section 4183 of said code is repealed

SEC. 5. Section 11006.5 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:

11006.5. This section shall be applicable only to those aid recipients under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9, Chapter 4 (commencing with Section 12500) of Part 3 of Division 9 and Chapter 6 (commencing with Section 13500) of Part 3 of Division 9 of this code.

Alternate methods of providing assistance may be used for recipients of aid under the programs mentioned above who are found to be unable to manage the cash grant to their own best advantage. Such payment may only be used when it is determined by the county director that the recipient has, by reason of his physical or mental condition, such inability to manage funds that making cash payments to him would be contrary to his welfare.

Aid under this section may be paid to a guardian or conservator on behalf of the recipient. If no guardian or conservator is available, aid shall be paid, in whole or in part, to some other individual who is interested in or concerned with the welfare of the recipient. The department shall make regulations for the payment of aid under this section and for the selection of such substitute payee.

Payments, on behalf of aid recipients, to anyone other than the recipient himself, a guardian or a conservator shall not, on a statewide basis, exceed eight percent (8%) of the Old Age Security caseload, five percent (5%) of the Aid to the Blind caseload and five percent (5%) of the Aid to the Needy Disabled caseload.

SEC. 6. Section 12013 of said code as proposed by said bill is amended to read:

12013. No citizen of California receiving aid under this chapter shall be considered in the custody of the State of California, or any subdivision thereof, by reason of such aid, or subject to control in his manner of living, by state or county officials or employees of the county in which he shall reside; save when adjudged incompetent to care for himself by proper tribunal or when admitted to a state or county hospital for medical attention, in which case he shall be subject to the rules of the institution in the same degree as other patients. Nothing contained in this section shall prevent the payment of aid to another responsible individual for the benefit of the recipient as provided in Section 11006.5.

SEC. 7. Section 12158 of said code as proposed by said bill is amended to read:

12158. If the application for aid is granted, the clerk of the board of supervisors shall report the fact to the auditor of the county All payments of aid under this chapter shall be made monthly in advance by the treasurer of the county and shall be paid as of the first day of each month.

The warrant shall be placed in the mail in time for delivery on the first postal delivery day of each month.

Such payment shall be paid by warrant and shall be delivered to the recipient at his residence if he so requests.

If a recipient of aid dies before any warrant or warrants to which he is found to be entitled can be issued to him as payee, such warrant or warrants may designate the legal representative of the decedent's estate as payee, or, if there be no authorized legal representative, the heir of the decedent who can demonstrate his legal right thereto may be designated as payee.

SEC. 8. Section 13702 of said code as proposed by said bill is repealed.

SEC. 9. Sections 5, 6, 7 and 8 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 440 as added to the Welfare and Institutions Code by Section 1 of this act, and Sections 2183 and 2193 of said code as amended by Sections 2 and 3 of this act are repealed.

CHAPTER 1847

An act to amend Sections 211, 251 and 254 of, and to add Section 259.6 to, the Revenue and Taxation Code, relating to tax exemptions.

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

211. The exemption of fruit and nut bearing trees under four years of age, grapevines under three years of age, and immature forest trees is as specified in Section $12\frac{3}{4}$ of Article XIII of the Constitution. On the expiration of the 40-year period provided for in the Constitution and within a reasonable time, the board designated for the purpose shall inspect and determine the maturity of any timber stand previously regarded as exempt.

SEC. 2. Section 251 of said code is amended to read:

251. The board shall prescribe all procedure and forms required to carry into effect the veterans', church, orphanage, college, exhibition, immature forest trees, or welfare exemption.

SEC. 3. Section 254 of said code is amended to read:

254. Any person claiming the church, orphanage, college, exhibition, or welfare exemption shall make a return of the property to the assessor annually, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that each owner or new owner of timber need file only when making his original claim for exemption.

SEC. 4. Section 259.6 is added to said code, to read:

259.6. The affidavit for the immature forest trees exemption shall show:

(a) The location and acreage of timber for which exemption is claimed.

(b) The estimated average age of the timber stand.

(c) The year in which trees were planted on lands not previously bearing merchantable timber or the year in which the merchantable original growth timber stand to the extent of 70 percent of all trees over 16 inches in diameter were removed.

CHAPTER 1848

An act to amend Section 4711 of the Health and Safety Code, relating to formation of sanitation districts, 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 4711 of the Health and Safety Code is amended to read:

4711. The district as formed may include unincorporated or incorporated territory, or both. The incorporated territory included in the district may include the whole or part of one or more cities. However, less than the whole of a city shall not be included in the district except by the vote of a majority of the governing body of the city.

The district shall not include the whole or any part of another sanitation district or any other district formed for similar purposes unless the governing body of such other district shall consent thereto and the board of supervisors, after a hearing, shall find and determine by resolution duly adopted that the proposed inclusion of the whole or part of such other district within the district is in the public interest and the territory affected will benefit thereby.

Notice of such hearing shall be given by publication in at least two successive issues, not more than 30 nor less than 10 days prior to the hearing, in a newspaper of general circulation published within the county.

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

There is urgent need to provide means for the resolution of the pressing problems of sanitation within the County of San Diego. Continuing and rapid growth in the area is accelerating the hazard to public health, one which will increase unless the means for overall planning and cooperative facilities are made immediately available to the several agencies within the county.

CHAPTER 1849

An act to amend Section 6054 of the Harbors and Navigation Code, relating to the nomination papers for harbor commissioners.

[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 6054 of the Harbors and Navigation 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 85 nor less than 60 days before the day of election.

CHAPTER 1850

An act to amend Sections 13162, 13189, 13190, 13191, 13192, 13193, 13194 and 13197.6 of, and to repeal Section 13104 of, the Education Code, relating to credentials for service in 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 13104 of the Education Code is repealed.

SEC. 2. Section 13162 of said code is amended to read:

13162. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to teachers whose credential applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate. Such certificate shall be valid for not more than 90 schooldays and only until the credential originally requested is either issued or denied by the State Board of Education.

SEC. 3. Section 13189 of said code is amended to read:

13189. The minimum requirements for the standard teaching credential with a specialization in elementary teaching shall be all requirements specified in (a), (b), either (c) or (d), and (e):

(a) Five years (with the fifth year to be completed within seven years of the first employment of the certificated employee in elementary teaching), or its equivalent of university or college education.

(b) A baccalaureate degree or higher degree from an institution approved by the State Board of Education.

(c) One of the following:

(1) A major in an academic subject matter area commonly taught in the public elementary schools. The State Board of Education may define a diversified major in academic subject areas commonly taught in the public elementary schools to fulfill this requirement.

(2) A major and a minor, each of which is in a subject matter area commonly taught in the public elementary schools, and one of which is in an academic subject matter area. Specialized preparation may be substituted for the minor when the major is in an academic subject matter area.

(3) Two minors in subject matter areas commonly taught in the public elementary schools and a major, other than education and educational methodology, not commonly taught therein. If the major is not in an academic subject matter area, each minor shall be in an academic subject matter area. If the major is in an academic subject matter area, one of the minors shall be in an academic subject matter area. Specialized preparation may be substituted for one of the minors.

The State Board of Education shall adopt regulations defining the terms "major" and "minor" for the purposes of this subdivision (c).

(d) A diversified major, hereby declared to be an academic subject matter major, totaling 88 semester hours of coursework in the enumerated subject matter areas, with a minimum of 21 semester hours in each of the first 4 areas, of which 9 semester hours in each area are upper division or graduate coursework, or fewer upper division and graduate semester hours in any one of the specified areas, provided that an equivalent number of semester hours of upper division or graduate work, in addition to those semester hours otherwise required, have been completed in any one or more of the other areas. Four semester hours of coursework (any level) will meet the health science requirement.

(1) English, including grammar, literature composition and speech.

(2) Mathematics and the physical and life sciences.

(3) Social sciences (other than education and education methodology).

(4) Humanities and fine arts.

(5) Health science.

Coursework in the listed fields taken in fulfillment of any other requirements that may be specified by the State Board of Education pursuant to subdivision (e) shall be credited toward this major. Notwithstanding any additional requirements as may be prescribed by the State Board of Education, the academic subject matter requirements set forth in this subdivision (d) shall constitute the total of such requirements for the standard teaching credential with a specialization in elementary teaching and with a diversified major as defined in this subdivision (d).

(e) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent in teaching experience. Such additional requirements shall include provisions for specialized preparation whenever the credential authorizes any service described in Section 13188(b).

(f) All public institutions of higher learning authorized to grant the standard teaching credential with specialization in elementary teaching shall offer courses meeting the minimum state requirements for professional preparation, including student teaching, in the upper division of their course offerings.

SEC. 4. Section 13190 of said code is amended to read:

13190. The standard teaching credential with a specialization in elementary teaching shall authorize the holder to:

(a) Teach, in kindergarten or grades 1 to 9, inclusive, except courses in special education, as follows:

(1) A person with an academic major and any minor may teach any subject in kindergarten and in grades 1 to 9, inclusive.

(2) A person with an academic major other than a diversified major, but without a minor, may teach any subject in kindergarten and in grades 1 to 9, inclusive, in a self-contained class. He may teach in a departmentalized class in grades 7, 8, and 9, the subject in which he has a major. He may teach in a departmentalized class in grades 7, 8, and 9 any subject in which he has nine semester hours of upper division or graduate coursework when the governing board of the district maintaining such grades by resolution specifically authorizes him to teach the subject. The authorization of the governing board shall remain valid for one year and may be renewed annually.

For the purposes of this section: A "self-contained class" is a class in which most of the subjects in one grade are taught by one teacher; and a "departmentalized class" is a class in which one subject or one group of closely related subjects, is taught by one teacher.

(3) Upon completion of the requirements of subdivisions (b), (d), and (e) of Section 13189, a person with a diversified major, but without a minor, may teach any subject in kinder-

garten and in grades 1 to 6, inclusive. He may teach in a self-contained class any subject in grades 7, 8 and 9.

(4) A person with other than an academic major may teach in kindergarten or in grades 1 to 9, inclusive, only in subject matter areas in which he has a major or a minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten or in grades 1 to 14, inclusive, any courses in an area in which the holder has completed specialized preparation.

(d) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

SEC. 5. Section 13191 of said code is amended to read:

13191. The minimum requirements for the standard teaching credential with a specialization in secondary teaching shall be five years, or its equivalent, of university or college education, including each of the following:

(a) A baccalaureate degree or higher degree from an institution approved by the State Board of Education.

(b) One of the following:

(1) A major in an academic subject matter area commonly taught in the public high schools.

(2) A major and a minor, each of which is in a subject matter area commonly taught in the public high schools, and one of which is in an academic subject matter area. Specialized preparation may be substituted for the minor when the major is in an academic subject matter area.

(3) Two minors in subject matter areas commonly taught in the public high schools and a major, other than education and educational methodology, not commonly taught therein. If the major is not in an academic subject matter area, each minor shall be in an academic subject matter area. If the major is in an academic subject matter area, one of the minors shall be in an academic subject matter area. Specialized preparation may be substituted for one of the minors.

The State Board of Education shall adopt regulations defining the terms "major" and "minor" for the purposes of this subdivision (b).

(c) One year of college or university education in addition to the requirements for a baccalaureate degree secured in an institution approved by the State Board of Education.

(d) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements, the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent in teaching experience. Such additional requirements shall include provisions for specialized preparation whenever the credential authorizes any service described in Section 13188(b).

SEC. 6. Section 13192 of said code is amended to read:

13192. The standard teaching credential with a specialization in secondary teaching shall authorize the holder to:

(a) Teach, in grades 7 to 12, inclusive, any course, except in special education, in which the holder has completed a subject matter major or subject matter minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten and grades 1 to 14, inclusive, any courses in which the holder has completed a specialized area of preparation.

(d) Teach, in grades 7 to 12, inclusive, any courses, except courses in special education, that the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board; except that a holder who qualifies for a credential without a minor may teach by such resolution only any of those subjects commonly taught in the public high schools in which the holder has completed nine or more semester hours of upper division or graduate coursework Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the governing board.

(e) Teach, in grades 13 and 14 any course, except courses in special education, in which the holder has completed a subject matter major or minor that the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board. Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the governing board.

(f) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

Nothing in this section shall be construed to prohibit the holder of a standard credential specializing in secondary teaching with a major or minor in music or art, from teaching music or art in the elementary grades of a school district.

SEC. 7. Section 13193 of said code is amended to read:

13193. The minimum requirements for the standard teaching credential with a specialization in junior college teaching shall be five years, or its equivalent, of college or university education in an institution approved by the State Board of Education, including each of the following:

(a) One of the following:

(1) A major in an academic subject matter area commonly taught in the public junior colleges.

(2) A major and a minor, each of which is in a subject matter area commonly taught in the public junior colleges, and one of which is in an academic subject matter area. Specialized preparation may be substituted for the minor when the major is in an academic subject matter area

(3) Two minors in subject matter areas commonly taught in the public junior colleges and a major, other than education

and educational methodology, not commonly taught therein. If the major is not in an academic subject matter area, each minor shall be in an academic subject matter area. If the major is in an academic subject matter area, one of the minors shall be in an academic subject matter area. Specialized preparation may be substituted for one of the minors.

The State Board of Education shall adopt regulations defining the terms "major" and "minor" for the purposes of this subdivision (a).

(b) A master's degree, a doctor's degree, or other postgraduate degree approved by the State Board of Education requiring not less than five years of college or university education secured in an institution approved by the State Board of Education.

(c) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements, the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent. Such additional requirements shall include provisions for a specialized preparation whenever the credential authorizes any service described in Section 13188(b).

SEC. 8. Section 13194 of said code is amended to read:

13194. The standard teaching credential with a specialization in junior college teaching shall authorize the holder to:

(a) Teach, in grades 11 to 14, inclusive, any courses in which the holder has completed a subject matter major, except that the holder of such credential shall not be authorized to teach in grades 11 or 12 any courses except as specified in subdivision (d) unless he has completed a course of practice teaching in any grade 9 to 12, inclusive, or its equivalent.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in grades 13 and 14, courses in which the holder has completed a subject matter minor if the governing board of the district specifically authorizes the holder to teach such courses by resolution adopted by the governing board. The authorization may be renewed annually by resolution of the governing board.

(d) Teach, in kindergarten and in grades 1 to 14, inclusive, courses in which the holder has completed a specialized area of preparation.

(e) Serve as a librarian in an elementary school, junior high school, high school, or junior college if the holder has completed the specialized preparation area of librarianship.

SEC. 9. Section 13197.6 of said code is amended to read:

13197.6. Except as otherwise specifically required in this article, the State Board of Education shall establish regulations pertaining to the expiration dates of initially issued and renewed credentials. Any standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching, standard designated subjects teaching

credential, standard designated services credential with a specialization in pupil personnel services, standard designated services credential with a specialization in health, standard supervision credential, and standard administration credential issued pursuant to this article shall be valid during the life of the person to whom issued unless sooner suspended or revoked, except that a credential issued to an alien and a credential issued pursuant to Section 13197.3 shall be valid for the period designated by the State Board of Education in accordance with such section.

A standard teaching credential with a specialization in junior college teaching issued pursuant to Chapter 1787, Statutes of 1961, shall be valid during the life of the person to whom issued unless sooner suspended or revoked.

CHAPTER 1851

An act to add Section 6503.6 to the Welfare and Institutions Code, relating to 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 6503.6 is added to the Welfare and Institutions Code, to read:

6503.6. The Director of General Services, with the consent of the Department of Mental Hygiene, may sell the water treatment plant at the DeWitt State Hospital to the Nevada Irrigation District under such terms, conditions, and restrictions as he deems to be for the best interests of the state. No such sale shall be made unless the district agrees to provide a sufficient amount of satisfactorily treated water to the hospital for its needs, at a cost no greater than that incurred by the hospital for water at the time of the sale.

CHAPTER 1852

An act to amend Section 9054 of the Welfare and Institutions Code, relating to community mental health services.

[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 9054 of the Welfare and Institutions Code is amended to read:

9054. The State Department of Mental Hygiene shall administer this division and shall adopt standards for approval

of local mental health services, rules and regulations necessary thereto; provided, however, that such standards, rules and regulations shall be adopted only after consultation with and approval by the California Conference of Local Mental Health Directors. Approval of such standards, rules and regulations shall be by majority vote of those present at an official session.

If the conference refuses or fails to approve standards, rules, or regulations submitted to it by the department for its approval, the department may submit such standards, rules, or regulations to the conference at its next semiannual meeting, and if the conference again refuses to approve them, the matter shall be referred for decision to a committee composed of the Administrator of the Health and Welfare Agency, the Director of Mental Hygiene, and the President of the California Conference of Local Mental Health Directors.

CHAPTER 1853

An act to amend Section 13 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes 1951), relating to the Napa County Flood Control and Water Conservation 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 13 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes 1951) is amended to read:

Sec. 13. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation.

2. To levy taxes or assessments upon all property in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, 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 zones, 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.

3. To levy taxes or assessments by either method authorized by subdivision 2 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, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is agreed to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said contract it is agreed that the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

CHAPTER 1854

An act to amend Sections 6, 22(a), and 23 of the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955), relating to the Fresno Metropolitan Flood Control 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 6 of the Fresno Metropolitan Flood Control Act (Chapter 503, Statutes of 1955) is amended to read:

Sec. 6. Within 30 days after creation of the district the appointive members of the Board of Directors shall be appointed by the legislative body of the city and the board of supervisors, respectively, and all of said directors shall qualify by taking and filing with the County Clerk of Fresno County the oath of office provided for public officials. They shall, as soon as convenient, meet and organize by the selection of one of their number as chairman of the board. They shall also select the secretary of the board. The members appointed to the board shall at said first meeting so classify themselves that of the appointive members one of the members appointed by the board of supervisors shall hold office for two years and two shall hold office for four years, and two of the members appointed by the legislative body of the city shall hold office for two years and two shall hold office for four years. After completion of the first terms of the first directors, all appointive directors shall be appointed and hold office for terms of four years. The chairman of the board shall hold office for a term of two years from the date of his election as chairman. The secretary of the board shall hold office at the pleasure of the board. Five members of the board shall constitute a quorum, and the decision of a majority of all of the members of the board shall be necessary to take any action, unless otherwise in this act provided; provided, however, that if a meeting is not attended by a majority of the members of the board a lesser number may adjourn the meeting to a specified time and any meeting may be adjourned by the vote of a majority of the members present.

The board shall by resolution fix a regular time and place of meeting, and no notice of regular meetings need be given. The board shall also provide the method of calling special meetings and of giving notice thereof, but no special meeting shall be called upon less than 24 hours notice, except that in an emergency a special meeting may be called upon not less than three hours notice or may be held pursuant to a waiver of notice signed by all members of the board and filed with the minutes of the meeting. Any such emergency call or waiver shall set forth a general statement of the facts deemed

to create the emergency. No defect in such statement shall invalidate the special meeting. If any vacancy occurs in any appointive office of the board of directors, such vacancy shall be filled within 60 days from the date it occurs in the same manner as the original appointment was made. The board shall adopt a seal. It may also provide rules and regulations for the conduct of its meetings and may change such rules and regulations from time to time.

SEC. 2. Section 22(a) of said act is amended to read:

Sec. 22(a). If the board of directors determines that the money needed by the district for acquisition and construction of land and improvements has been reduced by reason of the completion of works of improvement in a natural drainage area with defined boundaries either by use of general funds or by the formation of an assessment district in such area and the levy of special assessments on the lands therein, or the establishment of a zone and the issuance and sale of bonds for said zone, then the board may proportionately reduce the amount to be assessed upon the taxable real property in such drainage area for the fiscal year, so that the property owners in such drainage area will not be assessed for costs of acquisitions and improvements outside of such drainage area, and the board of directors may request that the board of supervisors determine the rate of assessment tax separately for such drainage area.

SEC. 3. Section 23 of said act is amended to read:

Sec. 23. The board of supervisors shall annually, not later than the first Monday in September, levy an assessment tax upon the taxable real property in the district sufficient to raise the amount stated in the annual budget, and also an assessment tax sufficient to raise the amount required for payment of principal and interest of bonds of the district. The board of supervisors shall determine the rate of each such assessment tax in the district and separately in any natural drainage area with defined boundaries if so requested by the board of directors of the district pursuant to the provisions of Section 22(a) hereof by deducting 10 percent for anticipated delinquencies from the total assessed value of the taxable real property in the district as it appears on the assessment roll of the county and then dividing the sum to be raised by the remainder of such total assessed value in the district and separately in any natural drainage area with defined boundaries which is the subject of a request pursuant to the provisions of Section 22(a) hereof; provided, that if a fraction of a cent occurs on a valuation of one hundred dollars ($100) it shall be taken as a full cent. The assessment tax levied during any year for all purposes other than bond principal and interest shall not exceed twenty cents ($0.20) on each one hundred dollars ($100) of the assessed value of the taxable real property in the district according to the last equalized county assessment roll; provided, that such maximum permissible rate of assessment tax may be increased

by the qualified voters of the district. Said tax shall be extended and collected in the same manner and by the same officers and with the same penalties and interest as general county taxes, and when collected shall be paid into the treasury of the county and credited to the district.

CHAPTER 1855

An act to amend Section 4850 of the Public Resources Code, relating to forests.

[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 4850 of the Public Resources Code is amended to read:

4850. 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 area in which the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the state, excluding those areas for which the State Forester has contracted forest fire protection to counties or the United States Forest Service, for (a) watershed management, range improvement, and fish and wildlife habitat improvement; and for (b) the burning of any brush, vegetation, or structure which is situated upon such property for the purpose of preventing or suppressing forest fires.

CHAPTER 1856

An act to amend Section 1203.45 of the Penal Code, relating to sealing of records.

[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 1203.45 of the Penal Code is amended to read:

1203.45. In any case in which a person was under the age of 21 years at the time of commission of a misdemeanor, except a traffic violation, and such person is eligible for, or has previously received, the relief provided by Section 1203.4, such person, in a proceeding under Section 1203.4, or a separate proceeding, may petition the court for an order sealing the record of conviction and other official records in the case,

including records of arrests resulting in the criminal proceeding, and including records relating to other offenses charged in the accusatory pleading, whether defendant was acquitted or charges were dismissed. If the court finds that such person was under the age of 21 at the time of conviction, and is eligible for relief under Section 1203.4 or Section 1203.4a or has previously received such relief, it may issue its order granting the relief prayed for. Thereafter such conviction, arrest, or other proceeding shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.

This section applies to convictions which occurred before, as well as those which occur after, the effective date of this section. This section shall not apply to offenses for which registration is required under Section 290 of this code or to violations of Division 10 (commencing with Section 11000) of the Health and Safety Code. This section does not apply to a person convicted of more than one offense unless:

(a) One of the offenses includes the other or others; or

(b) The other conviction or convictions were violations of local ordinances relating to stopping, standing or parking of a motor vehicle; or

(c) The other conviction or convictions consisted of any combination of (a) and (b).

CHAPTER 1857

An act conveying in trust certain tidelands and submerged lands lying under the waters of San Francisco Bay to the County of San Mateo in furtherance of navigation and commerce and the fisheries and providing for the government, management and control thereof, and reserving rights to the state.

[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. There is hereby granted to the County of San Mateo, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California held by said state by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, which are described as follows:

All that certain real property situate, lying and being partly in the City of San Mateo and partly in the City of Burlingame, County of San Mateo, State of California, described as follows:

Beginning at a point on the center line of Peninsular Avenue, distant along said center line North 48° 50′ East 285.39

feet from the northeasterly line of Bayshore Boulevard (125 feet in width) as said Avenue and Boulevard are shown on "Map of College Highlands Subdivision San Mateo, Calif.," recorded July 9, 1926 in Volume 14 of Maps at pages 10 and 11, said point of beginning also being on the northeasterly line of the existing Bayshore Freeway; thence from said point of beginning along said northeasterly line of said Freeway, North 64° 18′ 40″ West 35.89 feet; thence northerly on the arc of a curve to the left from a tangent that bears North 5° 18′ 02″ West, with a radius of 365 feet, through an angle of 49° 11′ 58″ an arc distance of 313.42 feet to a point of compound curvature; thence along a curve to the left, with a radius of 715 feet, through an angle of 4° 49′ 14.2″ an arc distance of 60.16 feet to a point in the southerly line of that certain parcel of land described in deed to the State of California recorded in Volume 2193 at page 626 Official Records of San Mateo County; thence continuing along said line of Freeway, North 31° 00′ 42″ East 23.94 feet; thence North 62° 04′ 01″ West 58.03 feet; thence North 60° 50′ 04″ West 14.10 feet; thence North 69° 29′ 30″ West 408.99 feet; thence North 78° 17′ 56″ West 441.03 feet; thence northerly on the arc of a curve to the left from a tangent that bears North 69° 08′ 52″ West with a radius of 2053 feet, through an angle of 19° 04′ 08″ a distance of 683.27 feet; thence North 88° 13′ West 205.21 feet; thence continuing along said line of Freeway North 82° 36′ 10″ West 46.58 feet to the intersection thereof with the center line of Burlingame Avenue, as said Avenue is shown on that certain map entitled "Anza Airport Park Unit No. 1 Burlingame San Mateo County, California," recorded December 8, 1964 in Volume 61 of maps at pages 20 and 21, Records of San Mateo County; thence leaving said Freeway North 48° 41′ East along said center line of said Burlingame Avenue, 160 feet more or less to an angle point in the southwesterly boundary of that certain 165.88 acre tract of land described in deed from William H. Howard Estate Company, a corporation, to the County of San Mateo, a political subdivision of the State of California, recorded May 1, 1942 in Volume 1010 Official Records at Page 447 (52235-E), San Mateo County Records; thence leaving said center line North along the westerly line of said 165.88 Acre Tract 1631.13 feet to the line dividing sections 7 and 18 in Township 4 South Range 4 West, Mt. Diablo Base and Meridian; thence along said dividing line South 89° 57′ East 334.92 feet to the section corner common to sections 7, 8, 17 and 18 in said Township and Range; thence along the line between said sections 7 and 8 North 2640 feet to the quarter (¼) section corner between said sections 7 and 8, and the northwest corner of said 165.88 Acre Tract; thence South 89° 57′ East, along the northerly line of said 165.88 Acre Tract, 1693.00 feet to the northwest corner of that certain 182.14 Acre Tract of land described in deed from William H. Howard Estate Company, a corporation, to the County of

San Mateo, a political subdivision of the State of California, recorded October 10, 1940, in Volume 909 Official Records at page 470 (1753-E), San Mateo County Records; thence South 89° 57′ East along the northerly line of said 182.14 Acre Tract, 947.00 feet to an angle point in said tract boundary and a point in the north line of the South half (½) of said Section 8; thence Easterly along said north line of the South half (½), a distance of 2640 feet to the quarter (¼) section corner between said Section 8 and Section 9 Township 4 South Range 4 West, Mt. Diablo Base and Meridian; thence continuing Easterly on and along the north line of the South Half (½) of said Section 9, 1320 feet to the intersection thereof with the East line of the West Half (½) of the West Half (½) of said Section 9; thence South along said East line and continuing South along the East line of the West Half (½) of the West Half (½) of Section 16 Township 4 South Range 4 West Mt. Diablo Base and Meridian a distance of 6446.79 feet; thence leaving said line North 42° 25′ 30″ West 389.21 feet and North 42° 28′ West 1566.21 feet to an angle point in the above mentioned 182.14 Acre Tract (1753-E); thence along said tract South 47° 03′ 20″ West 507.66 feet to the lands now or formerly of the Pacific Gas and Electric Co.; thence along the boundary of last said lands North 42° 53′ West 371.05 feet and South 49° 04′ West 52.42 feet; thence leaving said boundary North 39° 17′ 10″ West 24.28 feet to a point on the prolongation northeasterly of the center line of Poplar Avenue, distant along said line prolonged North 49° 02′ 30″ East 2608.74 feet from the intersection thereof with the northeasterly line of the aforementioned Bayshore Boulevard; thence to and along the edge of the Bay of San Francisco, North 12° 23′ 40″ West 298 84 feet; thence North 18° 26′ 30″ West 100.00 feet; North 11° 21′ 30″ West 100.00 feet; thence North 10° 33′ 30″ East 3.033 feet to an angle point in that certain parcel of land described in deed from Bowie Estate Company, a corporation, American Trust Company, a corporation, and J. H. P. Howard, Jr. to the County of San Mateo, recorded December 30, 1942, in Volume 1050 Official Records at page 108 (71788-E), San Mateo County Records; thence along the southerly boundary of said parcel (71788-E) as follows:—South 64° 18′ 30″ West 146.53 feet, North 74° 16′ 30″ West 237.99 feet, North 49° 16′ 30″ West 359.08 feet, North 40° 01′ 30″ West 211.75 feet, North 5° 31′ 30″ West 257.65 feet, North 48° 01′ 30″ West 76.82 feet, South 89° 58′ 30″ West 123.87 feet, South 72° 28′ 30″ West 287.76 feet, South 43° 58′ 30″ West 303.45 feet, South 84° 28′ 30″ West 278.13 feet and North 69° 01′ 30″ West 123.01 feet to the intersection thereof with the Northeasterly prolongation of the center line of said Peninsular Avenue; thence along said prolongation South 48° 58′ 30″ West 1424.87 feet more or less to the point of beginning.

To be forever held by said county and by its successors in trust for the use and purposes, and upon the express conditions following, to wit:

(a) That said lands shall be used by said county and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For the establishment, improvement and conduct of an airport or heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(3) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this Section 1.

(4) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(5) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including, but not limited to snackbars, cafes, restaurants, motels, hotels, apartments, residences, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) Said county, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to

any individual, firm or corporation for any purposes whatever; provided, that said county, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph shall be deemed to affect the validity or term of any franchise granted by said county under Chapter 1 (commencing with Section 6001) of Division 3 of the Public Utilities Code, and any such franchise shall be effective with respect to said lands.

(c) Said lands shall be improved without expense to the state; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the county, nor by the county of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the county or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the right to fish in the waters on said lands with the right of convenient access to said water over said lands for said purpose.

(g) There is hereby excepted and reserved in the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, the right to prospect for, mine, and remove such deposits from said lands.

(h) Said lands are granted subject to the express reservation and condition that the state may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the county, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for said purposes, compensation shall be made to the person entitled thereto for the value of his interest in the

improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the county, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of San Mateo County.

(j) Within 10 years from the effective date of this act the granted lands shall be substantially improved by the county without expense to the state and if the State Lands Commission determines that the county has failed to improve said lands as herein required, all right, title, and interest of said county in and to all lands granted by this act shall cease and all said right, title and interest in the granted lands shall revert and rest in the state.

(k) The county shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.

CHAPTER 1858

An act to add Sections 6303.2 and 5006.4 to the Public Resources Code, relating to public resources, 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 6303.2 is added to the Public Resources Code, to read:

6303.2. The State Lands Commission, in order to improve navigation, to enhance, improve, protect, preserve or restore public resources, including recreational resources, the development thereof in the public interest, and other public values, may lease to a lessee the privilege to remove sand, gravel or other related materials from the bed of the Russian River, Sonoma County, in accordance with such terms and conditions as will be in the best interest of the people of the state. Such lease shall be made with the advice of the Administrator of the Resources Agency.

The advice of the Administrator of the Resources Agency shall be based upon a finding by him that the consideration to be received from the lessee shall result in the enhancement, improvement, protection, preservation, or restoration of public resources and facilities, and the development thereof in the public interest, in the Russian River area, Sonoma County.

As a further consideration for the awarding of such lease by the commission for the privilege of removing sand, gravel

or other related materials, the lessee may be required to construct or maintain, or both, jetties, groins, seawalls, or other structures to improve public navigation at the mouth of the Russian River or its vicinity.

The awarding of any lease pursuant to this section shall be accomplished by the commission by competitive bidding to the highest responsible bidder pursuant to Sections 6890 to 6900, inclusive, under general regulations adopted by the commission.

This section does not affect any existing authority of the County of Sonoma to control land use.

SEC. 2. Section 5006.4 is added to said code, to read:

5006.4. Upon a finding by the director that enhancement, improvement, protection, preservation, and restoration of park and recreational lands and facilities belonging to this state will be substantially served by an exchange of certain state lands and properties for other lands owned by the lessee referred to in Section 6303.2 of this code, the director, with the approval of the Administrator of the Resources Agency, the Director of the Department of General Services, and the Director of the Department of Finance, may convey or exchange, for other lands of equal or greater value owned by such lessee and upon such other terms and conditions and with such reservations and exceptions as the director, in his discretion, deems appropriate, the following described property or any portion thereof:

(a) Approximately 17.5 acres in Sonoma Coast State Beach in Sonoma County, lying westerly of the mouth of the Russian River and easterly of the Pacific Ocean.

(b) A strip of land approximately 2,500 feet in length, containing approximately 11.44 acres in Sonoma Coast State Beach in Sonoma County, lying along and contiguous to the Russian River and adjacent to a portion of the former Wright-Bodega Range.

(c) Approximately 30 percent of the rock lying above mean high water on that portion of real property commonly known as Goat Rock in Sonoma Coast State Beach.

When it is further found by the director and the Administrator of the Resources Agency that the acquisition by the state of any real property owned by the lessee referred to in Section 6303 2 within a distance of not more than 10 miles from the mouth of the Russian River, would be of substantial public benefit as recreational lands, the State Lands Commission may include as a condition of the lease with such lessee, subject to and conditioned upon the approval of the Administrator of the Resources Agency, and the director, provisions for the immediate or ultimate use or acquisition in fee, or both, of such real property for recreational purposes, from such lessee, in lieu of or in addition to any monetary or other consideration to be received from such lessee for the privilege of removing sand, gravel or other related materials as referred to in Section 6303.2.

The title to any real property acquired by the state under this section shall be received by, and vest in, the Department of Parks and Recreation as part of the State Park System, except that any portion of such lands which are dredged so as to become navigable waters shall be received by and vest in the State Lands Commission.

This section does not affect any existing authority of the County of Sonoma to control land use.

SEC. 3. This act shall terminate on January 31, 1968.

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 State of California, through the Resources Agency, is presently conducting negotiations, with elements of private enterprise, a transaction which, if consummated, would affect public or private lands at and near the mouth of the Russian River, Sonoma County. Under such transaction, if consummated, the state, in consideration of granting the privilege of extracting from public lands in such area the materials described in this act, and of making related transfers of public lands in such area, would receive from private enterprise certain other lands which would enhance and improve the lands of the State Park System in the area, and would realize the construction and maintenance of certain facilities at the mouth of the Russian River which would improve marine navigation in the area and the public use and enjoyment thereof. This act would authorize and enable the state to consummate the contemplated transaction. Immediate enactment of this act will permit the present negotiations with private enterprise to continue as presently in progress; will permit the state to consummate the contemplated transaction at the earliest possible date, thereby realizing to the state the substantial economic advantage of both conveying and receiving property at present values; and will permit the contemplated public benefits to be achieved at the earliest possible date. It is therefore necessary that this act take effect immediately.

CHAPTER 1859

An act to amend Section 1301 of the Penal Code, relating to bail.

[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 1301 of the Penal Code is amended to read:

1301. For the purpose of surrendering the defendant, the bail or any person who has deposited money or bonds to secure

the release of the defendant, at any time before such bail or other person is finally discharged, and at any place within the state, may himself arrest defendant, or by written authority indorsed on a certified copy of the undertaking or a certified copy of the certificate of deposit, may empower any person of suitable age to do so.

Any bail or other person who so arrests a defendant in this state shall, without unnecessary delay, and, in any event, within 48 hours of the arrest, deliver the defendant to the court or magistrate before whom the defendant is required to appear or to the custody of the sheriff or police for confinement in the appropriate jail in the county or city in which defendant is required to appear. Any bail or other person who arrests a defendant outside this state shall, without unnecessary delay after the time defendant is brought into this state, and, in any event, within 48 hours after defendant is brought into this state, deliver the defendant to the custody of the court or magistrate before whom the defendant is required to appear or to the custody of the sheriff or police for confinement in the appropriate jail in the county or city in which defendant is required to appear.

Any bail or other person who willfully fails to deliver a defendant to the court, magistrate, sheriff, or police as required by this section is guilty of a misdemeanor.

The provisions of this section relating to the time of delivery of a defendant are for his benefit and, with the consent of the bail, may be waived by him. To be valid, such waiver shall be in writing, signed by the defendant, and delivered to such bail or other person within 48 hours after the defendant's arrest or entry into this state, as the case may be. The defendant, at any time and in the same manner, may revoke said waiver. Whereupon, he shall be delivered as provided herein without unnecessary delay and, in any event within 48 hours from the time of such revocation.

If any 48-hour period specified in this section terminates on a Saturday, Sunday, or holiday, delivery of a defendant by a bail or other person to the court or magistrate or to the custody of the sheriff or police may, without violating this section, take place before noon on the next day following which is not a Saturday, Sunday, or holiday.

CHAPTER 1860

An act to add Section 16071 to the Education Code, relating to school district 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 16071 is added to the Education Code, to read:

16071. The governing board of a school district may, with the approval of the county board of supervisors, sell or lease any building of the district together with the site upon which such building is located, without complying with any other provisions of this article, provided that the county board of supervisors finds that all of the following conditions exist:

(a) The sale or lease is to be made to an incorporated nonprofit tax-exempt community or civic organization with a membership comprised predominantly of persons residing in the community in which the building and site are situated.

(b) The building is not suitable for school purposes.

(c) The building has an historic value and its preservation and utilization for the benefit of the community will best be ensured by sale or lease to an organization specified in subdivision (a).

(d) The sale or lease is to be executed for a consideration to enure to the school district reflecting the fair market value of the property, or its fair rental value, as the case may be.

(e) Adequate provision has been made in connection with the sale or lease transaction to protect the district against all civil liabilities which might arise in connection with any use of the building and site.

CHAPTER 1861

An act to amend Sections 4143 and 4352 of the Agricultural Code, relating to stabilization and marketing of milk.

[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 4143 of the Agricultural Code is amended to read:

4143. The director is hereby authorized to adopt and promulgate rules and regulations for the proper administration and enforcement of the provisions of this chapter. Violations of any such rule or regulation shall be subject to the remedies, procedures and penalties provided in Article 6 of this chapter.

The director may, through rules and regulations duly adopted and promulgated hereunder, exempt from the provisions of Sections 4137, 4138, 4139, and 4140 of this chapter, upon such conditions and to such extent as are reasonably determined by the director to be necessary for effectuation of the purposes of this chapter, transactions in fluid milk subject to subdistributor prices under the provisions of Section 4352.

SEC. 2. Section 4352 of said code is amended to read: amended to read:

4352. Minimum wholesale prices, as used herein, shall mean prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores including the prices at which fluid milk or fluid cream shall be sold by distributors to retail stores, restaurants, confectioneries and other places for consumption on the premises but excluding, however, the prices at which fluid milk or fluid cream, or both, shall be sold by distributors to retail stores owned or operated by such distributor. Minimum wholesale prices, as used herein, includes prices at which fluid milk or fluid cream, or both, shall be sold by distributors to other distributors, other than in bulk, which prices may vary from the minimum prices established for sales by distributors to wholesale customers and which prices shall be known as "subdistributor prices." A subdistributor price shall be established for each marketing area and when fluid milk or fluid cream, or both, is purchased, other than in bulk, by one distributor from another distributor for sale in a marketing area other than the marketing area where purchased the price paid shall not be less than the minimum subdistributor price for the marketing area in which the fluid milk or fluid cream, or both, is ultimately sold.

The director may, through rules and regulations duly adopted and promulgated under the provisions of Section 4240, clarify and apply the definition of "distributor" under Section 4216 for purposes of determining the transactions in fluid milk which are subject to subdistributor prices, including variations in such prices based upon quantity purchases.

CHAPTER 1862

An act to amend Section 4360 of the Agricultural Code, relating to fluid milk and fluid cream.

[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 4360 of the Agricultural Code is amended to read:

4360. Following such hearings, investigation, surveys or examinations authorized above, the director shall establish

minimum wholesale and minimum retail prices for such marketing area for distributors therein, and minimum retail prices for retail stores therein, which minimum wholesale and minimum retail prices shall be sufficient, but not more than reasonably sufficient, to cover costs, as such costs are described in Section 4355 of this code, according to method of distribution, and reasonable return upon necessary capital investment, and shown to the director by the facts available to the director from the hearings, investigation, surveys or examinations for such marketing area required in this chapter, and the director shall declare such prices effective in the same manner as that prescribed in this chapter for declaring producer prices effective; provided, however, that whenever the director shall determine from credible evidence that any prices established as hereinabove set forth will not or would not conform to and effectuate the legislative declarations, purposes and intent set forth in this chapter, then he shall instead establish minimum wholesale or minimum retail prices which are higher or lower than those sufficient to cover said costs and reasonable return on capital investment, without limitations based upon the costs of individual distributors and retail stores described in subdivisions (e) and (g) of Section 4355, upon the condition that he shall determine in his judgment and shall find in writing with respect to such higher or lower minimum prices:

(a) That such minimum prices will tend to maintain in the business of distributing fluid milk and fluid cream, or both, such reasonably efficient retail stores and distributors of fluid milk and fluid cream, or both, in such marketing area as the director finds necessary to insure to consumers in such marketing area sufficient distribution facilities to supply the quantity of fluid milk or fluid cream, or both, required by such consumers without requiring such consumers to pay more for their supplies of such fluid milk, or fluid cream, or both, than is necessary to maintain adequate and efficient distribution facilities in such marketing area.

(b) That such minimum prices will not tend to induce or authorize the development of unfair trade practices, unfair competition, conditions of monopoly or combinations in restraint of trade, and that such minimum prices will tend to encourage the orderly and efficient marketing of fluid milk or fluid cream, or both.

CHAPTER 1863

An act to add Sections 179 to 179.11, inclusive, to and to amend Sections 151 and 165 of, the Shasta County Water Agency Act (Ch. 1512, Stats. 1957) to provide for a zone therein to deal with the sanitary sewage and drainage problems in the Redding area and to provide for the bonds of the agency.

[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. Sections 179 to 179.11, inclusive, are added to the Shasta County Water Agency Act, to read:

Sec. 179. A zone for the treatment and disposition of sewage and for the control of flood and storm waters is created within the agency, to be known as Zone 2. Until changed pursuant to Section 179.10 hereof the boundaries of Zone 2 shall be as follows:

Beginning at the intersection of the centerline of Clear Creek and the west bank of the Sacramento River and running thence northwesterly along the centerline of Clear Creek to its intersection with the easterly right of way line of the Southern Pacific Railroad; thence northerly along said right of way line a distance of 6,000 feet more or less to a point due East of the southeast corner of Olney Creek Tract; thence West 160 feet more or less to said southeast corner as shown on the map recorded in Book 5 of Land Surveys at Page 43; thence west along the south boundary of Olney Creek Tract, a distance of 2,132.21 feet to a point on the east right of way of the Anderson Irrigation District Canal; thence northerly 1,300 feet more or less along said right of way to the centerline of Olney Creek; thence northwesterly 1,400 feet more or less along said centerline to its intersection with the easterly line of Lot 13 of Heller Tract; thence N. 7° 45′ W., along the easterly lines of Lots 13, 12 and 11, a distance of 1,150 feet more or less to the northeasterly corner of the southeast quarter of said Lot 11; thence N. 82° 00′ W., along the northerly line of the southeast quarter of said Lot 11, a distance of 379.17 feet to the northwesterly corner of the southeast quarter of said Lot 11; thence S. 7° 45′ E., along the westerly line of the southeast quarter of said Lot 11, a distance of 287.10 feet to the southwesterly corner of the southeast quarter of said Lot 11; thence N. 82° 00′ W., along the northerly line of said Lot 12, a distance of 379.17 feet to the northwesterly corner of said Lot 12; thence S. 7° 45′ E., along the westerly line of said Lot 12, a distance of 573.47 feet to the northeasterly corner of Lot 14 of Heller Tract; thence N. 82° 00′ W., along the northerly line of said Lot 14, a distance of 375.53 feet to the northeasterly corner of the west half of said Lot 14; thence S. 7° 45′ E., along the easterly line of the west half of said

Lot 14, a distance of 608.15 feet to the southeasterly corner of the west half of said Lot 14; thence along the southerly line of Heller Tract the following courses: N. 80° 59′ W., 894.30 feet; thence N. 82° 00′ W., 238.46 feet to the southeasterly corner of Lot 20 of Heller Tract; thence continuing along the southerly line of Heller Tract N. 82° 00′ W., 819.89 feet to the northeasterly corner of that parcel conveyed to Harry W. Logan, et.ux., by deed recorded in Book 406, Official Records, at Page 425; thence along the boundary of said Logan parcel the following courses: S. 7° 45′ E., 102.27 feet; thence S. 72° 41′ W., 376.00 feet; thence S. 59° 41′ W., 78.52 feet to the southwesterly corner of said Logan parcel; thence southwesterly along the northerly line of County Road 3G004 (Branstetter Lane) a distance of 150 feet more or less to the southeasterly corner of that parcel conveyed to Paul E. Thomas, et.ux., by deed recorded in Book 522, Official Records at Page 2; thence continuing along the northerly line of Branstetter Lane the following courses: S. 57° 45′ 40″ W., 51 87 feet; thence S. 62° 59′ 50″ W., 148.33 feet; thence S. 73° 54′ 10″ W., 100.00 feet; thence N. 4° 05′ 20″ W., 10.21 feet to the southeasterly corner of Lot 1, Block C, Upper Olney Creek Acres; thence continuing southwesterly along the northerly line of Branstetter Lane to its intersection with course No. 79 of the re-survey of the P.B. Reading Grant; thence southerly along said course to its intersection with the centerline of Olney Creek; thence westerly along the centerline of said creek to its intersection with the west line of Section 22, T. 31 N., R. 5 W., M.D B. & M.; thence northerly along the west line of said Section 22 to the northwest corner of said Section 22; thence N. 2° 38′ E., along the west line of Section 15, same township and range a distance of 1,275 12 feet to the northwest corner of the south half of the south half of said Section 15; thence N. 89° 27′ E., along the north line of the south half of the south half of said Section 15 for a distance of 3,936.24 feet to the east line of said Section 15; thence north along section line to its intersection with the west line of the P.B. Reading Grant; thence northerly along said line to its intersection with westerly boundary of the City of Redding as it existed April 5, 1965; thence northerly, westerly and easterly along said westerly boundary to its intersection with the section line between Sections 27 and 28, T. 32 N., R. 5 W., M.D.B. & M.; thence northerly along section lines to the west quarter corner of Section 10, same township and range; thence east to the southeast corner of the northwest quarter of said Section 10; thence northerly along the north-south midsection lines to the south quarter corner of Section 34, T. 33 N., R. 5 W., M.D.B. & M.; thence westerly along section line to the southwest corner of said Section 34; thence northerly along section lines to the southwest corner of Section 22, same township and range; thence easterly along section line to the southeast corner of said Section 22; thence northerly along section line to the northeast corner of said Section 22; thence easterly

along section lines to the southeast corner of Section 13, T. 33 N., R. 5 W., M.D.B. & M.; thence northerly along section lines to the west quarter corner of Section 7, T. 33 N., R. 4 W., M.D.B. & M.; thence easterly along east-west midsection line to the east quarter corner of said Section 7; thence northerly along section line to the northeast corner of said Section 7; thence easterly along section lines to the south quarter corner of Section 4, same township and range; thence northerly along the north-south midsection line to the northwest corner of the southeast quarter of said Section 4; thence easterly along the east-west midsection lines to the northeast corner of the southwest quarter of Section 3, same township and range; thence southerly along the north-south midsection lines to the north quarter corner of Section 15, T. 33 N., R. 4 W., M.D.B. & M.; thence westerly along section line to the northwest corner of said Section 15; thence southerly along section lines to the southeast corner of Section 4, T. 32 N., R. 4 W., M.D.B. & M.; thence westerly along section lines to the north quarter corner of Section 8, same township and range; thence southerly along the north-south midsection lines to the north quarter corner of Section 20, same township and range; thence easterly along section line to the northeast corner of said Section 20, thence southerly along section line to the southeast corner of said Section 20; thence easterly along section line to the north quarter corner of Section 28, T. 32 N., R. 4 W., M.D.B. & M.; thence southerly along the north-south midsection line to the south quarter corner of said Section 28; thence easterly along section line to the southeast corner of said Section 28; thence southerly along section line to the southwest corner of Section 34, same township and range; thence easterly along section line to its intersection with the centerline of Old Oregon Trail (County Road 3H02); thence southerly along the centerline of said Old Oregon Trail to its intersection with the centerline of State Highway 44 as it existed January 27, 1964; thence westerly along the centerline of said Highway 44 to its intersection with the west line of Section 10, T. 31 N., R. 4 W., M.D B. & M.; thence south along section line to the northeast corner of Section 16, same township and range; thence west along section line to the northwest corner of said Section 16; thence south along section line to the southwest corner of said Section 16; thence west along section lines to an intersection with the west bank of the Sacramento River; thence southerly along said west bank to the point of beginning.

Sec. 179.1. None of the powers of Zone 2 shall be exercised until the creation of the zone is approved at an election called by the agency. The agency shall call such an election at the request of any two public agencies having powers with respect to sanitary sewage existing within the zone. If such an election fails, another election shall be called by the Agency upon a similar request, but shall not be held within six months after the election which failed.

Sec. 179.2. At each election to approve the creation of Zone 2, a board of trustees shall be elected, to take office if the election results in approval of the creation. The board of trustees shall consist of seven members, one from each of the zone's seven wards. The trustees shall be residents and voters of the respective wards from which they are nominated, but shall be voted on at large throughout Zone 2. They shall serve four-year staggered terms, except that three of those first elected, selected by lot, shall serve only until the next statewide direct primary election, and the other four shall serve only until the second statewide direct primary election.

Except as herein otherwise provided, the provisions of the Elections Code relating to the qualifications of electors, the nomination of candidates, of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all elections for trustees All elections in Zone 2 after the formation election shall be at the expense of Zone 2. Until changed, the boundaries of the seven wards within Zone 2 are as follows:

Ward No. 1

Beginning at the intersection of the Section line between Sections 27 and 28, T. 32 N., R. 5 W., M.D.B.& M., and the westerly boundary of the City of Redding as it existed April 5, 1965; thence northerly along section lines to the west quarter corner of Section 10, same township and range; thence east to the southeast corner of the northwest quarter of said Section 10; thence northerly along the north-south midsection lines to the south quarter corner of Section 34, T. 33 N., R. 5 W., M.D.B.& M.; thence westerly along section line to the southwest corner of said Section 34; thence northerly along section lines to the southwest corner of Section 22, same township and range; thence easterly along section line to the southeast corner of said Section 22; thence northerly along section line to the northeast corner of said Section 22; thence easterly along section lines to the southeast corner of Section 13, T. 33 N., R. 5 W., M.D.B.& M.; thence northerly along section lines to the west quarter corner of Section 7, T. 33 N., R. 4 W., M.D.B.& M.; thence easterly along east-west midsection line to the east quarter corner of said Section 7; thence northerly along section line to the northeast corner of said Section 7; thence easterly along section lines to the south quarter corner of section 4, same township and range; thence northerly along the north-south midsection line to the northwest corner of the southeast quarter of said Section 4; thence easterly along the east-west midsection lines to the northeast corner of the southwest quarter of Section 3, same township and range; thence southerly along the north-south midsection lines to the north quarter corner of Section 15, T. 33 N., R. 4 W., M.D.B.& M.; thence westerly along section line to the northwest corner of said Section 15; thence southerly along section lines to the

southeast corner of Section 4, T. 32 N., R. 4 W., M.D.B.& M.; thence westerly along section lines to the north quarter corner of Section 8, same township and range; thence southerly along the north-south midsection lines to the north quarter corner of Section 20, same township and range; thence easterly along section line to the northeast corner of said Section 20; thence southerly along section line to the southeast corner of said Section 20; thence easterly along section line to the north quarter corner of Section 28, T. 32 N., R. 4 W., M.D.B. & M.; thence southerly along the north-south midsection line to the northeast corner of the southwest quarter of said Section 28; thence westerly along east-west midsection lines to the east quarter corner of Section 25, T. 32 N., R. 5 W., M.D.B. & M., thence northerly along section line to the northeast corner of said Section 25; thence westerly along section line to an intersection with the westerly boundary of the City of Redding as it existed April 5, 1965, said intersection being the northwest corner of Section 25, T. 32 N., R. 5 W., M.D.B. & M.; thence southerly and westerly along said boundary of the City of Redding to the point of beginning.

Ward No. 2

Beginning at the northeast corner of Section 25, T. 32 N., R. 5 W., M.D.B. & M., thence south along section line to the east quarter corner of said Section 25; thence easterly along east-west midsection lines to the northeast corner of the southwest quarter of Section 28, T. 32 N., R. 4 W., M.D.B. & M.; thence southerly along the north-south midsection line to the south quarter corner of said Section 28; thence easterly along section line to the southeast corner of said Section 28; thence southerly along section line to the southwest corner of Section 34, same township and range; thence easterly along section line to its intersection with the centerline of Old Oregon Trail (County Road 3H02); thence southerly along the centerline of said Old Oregon Trail to its intersection with the centerline of State Highway 44 as it existed January 27, 1964; thence westerly along the centerline of said Highway 44 to its intersection with the west line of Section 10, T. 31 N., R. 4 W., M.D.B. & M; thence south along section line to the northeast corner of Section 16, same township and range; thence west along section line to the northwest corner of said Section 16; thence south along section line to the southwest corner of said Section 16; thence west along section lines to an intersection with the west bank of the Sacramento River; thence northerly along the west bank of the Sacramento River to its intersection with the easterly boundary of the City of Redding as it existed April 5, 1965; thence easterly along said boundary to its intersection with the centerline of Hilltop Drive; thence northerly along said centerline to its intersection with the easterly boundary of the City of Redding, said intersection being at the corner of Hilltop Drive and Mistletoe Lane;

thence northerly along said City of Redding boundary to the point of beginning.

Ward No. 3

Beginning at the intersection of the centerline of Clear Creek and the west bank of the Sacramento River and running thence northwesterly along the centerline of Clear Creek to its intersection with the easterly right of way line of the Southern Pacific Railroad; thence northerly along said right of way line a distance of 6,000 feet more or less to a point due East of the southeast corner of Olney Creek Tract; thence west 160 feet more or less to said southeast corner as shown on the map recorded in Book 5 of Land Surveys at Page 43; thence west along the south boundary of Olney Creek Tract a distance of 2,132.21 feet to a point on the east right of way of the Anderson Irrigation District Canal; thence northerly 1,300 feet more or less along said right of way to the centerline of Olney Creek; thence northwesterly 1,400 feet more or less along said centerline to its intersection with the easterly line of Lot 13 of Heller Tract; thence N. 7° 45′ W., along the easterly lines of Lots 13, 12 and 11, a distance of 1,150 feet more or less to the northeasterly corner of the southeast quarter of said Lot 11; thence N. 82° 00′ W., along the northerly line of the southeast quarter of said Lot 11, a distance of 379.17 feet to the northwesterly corner of the southeast quarter of said Lot 11; thence S. 7° 45′ E., along the westerly line of the southeast quarter of said Lot 11, a distance of 287.10 feet to the southwesterly corner of the southeast quarter of said Lot 11; thence N. 82° 00′ W, along the northerly line of said Lot 12, a distance of 379.17 feet to the northwesterly corner of said Lot 12; thence S. 7° 45′ E., along the westerly line of said Lot 12, a distance of 573.47 feet to the northeasterly corner of Lot 14 of Heller Tract; thence N. 82° 00′ W., along the northerly line of said Lot 14, a distance of 375.53 feet to the northeasterly corner of the west half of said Lot 14; thence S. 7° 45′ E., along the easterly line of the west half of said Lot 14, a distance of 608.15 feet to the southeasterly corner of the west half of said Lot 14; thence along the southerly line of Heller Tract the following courses: N. 80° 59′ W, 894.30 feet; thence N. 82° 00′ W., 238.46 feet to the southeasterly corner of Lot 20 of Heller Tract; thence continuing along the southerly line of Heller Tract N. 82° 00′ W., 819.89 feet to the northeasterly corner of that parcel conveyed to Harry W. Logan, et. ux, by deed recorded in Book 406, Official Records, at Page 425; thence along the boundary of said Logan parcel the following courses: S. 7° 45′ E., 102.27 feet; thence S. 72° 41′ W., 376.00 feet; thence S. 59° 41′ W., 78.52 feet to the southwesterly corner of said Logan parcel; thence southwesterly along the northerly line of County Road 3G004 (Branstetter Lane) a distance of 150 feet more or less to the southeasterly corner of that parcel conveyed to Paul E. Thomas, et. ux., by deed recorded in Book 522, Official Records, at Page 2; thence con-

tinuing along the northerly line of Branstetter Lane the following courses: S. 57° 45′ 40″ W., 51.87 feet; thence S. 62° 59′ 50″ W., 148.33 feet; thence S. 73° 54′ 10″ W., 100.00 feet; thence N. 4° 05′ 20″ W., 10.21 feet to the southeasterly corner of Lot 1, Block C, Upper Olney Creek Acres; thence continuing southwesterly along the northerly line of Branstetter Lane to its intersection with course No. 79 of the re-survey of the P.B. Reading Grant; thence southerly along said course to its intersection with the centerline of Olney Creek; thence westerly along the centerline of said creek to its intersection with the west line of Section 22, T. 31 N., R. 5 W., M.D.B.&M.; thence northerly along the west line of said Section 22 to the northwest corner of said Section 22; thence N. 2° 38′ E., along the west line of Section 15, same township and range, a distance of 1,275.12 feet to the northwest corner of the south half of the south half of said Section 15; thence N. 89° 27′ E., along the north line of the south half of the south half of said Section 15 for a distance of 3,936 24 feet to the east line of said Section 15; thence north along section line to its intersection with west line of the P.B. Reading Grant; thence northerly along said line to its intersection with westerly boundary of the City of Redding as it existed April 5, 1965; thence easterly and northerly along the boundary of the City of Redding to its intersection with the west bank of the Sacramento River; thence southerly along said bank of the Sacramento River to the point of beginning.

Ward No. 4

Beginning at the east quarter corner of Section 3, T. 31 N., R. 5 W., M.D.B.&M., said point being on the westerly boundary of the City of Redding as it existed April 5, 1965; thence northeasterly in a direct line to the intersection of the east boundary line of Fern Addition to the City of Redding and the centerline of South Street; thence easterly along the centerline of South Street to its intersection with the centerline of Highland Avenue; thence northerly along said centerline to its intersection with the centerline of Placer Street; thence easterly along the centerline of Placer Street to its intersection with the centerline of Court Street; thence southerly along the centerline of Court Street to its intersection with the centerline of Sonoma Street; thence easterly along the centerline of Sonoma Street to its intersection with the centerline of S.P. Railroad Company main track; thence southerly along said centerline to its intersection with the easterly boundary of the City of Redding as it existed April 5, 1965; thence southerly, westerly and northerly along said boundary to the point of beginning.

Ward No. 5

Beginning at the east quarter corner of Section 3, T. 31 N., R. 5 W., M.D.B. & M; said point being on the westerly boundary of the City of Redding as it existed April 5, 1965; thence

westerly, northerly and easterly along said City of Redding boundary to an intersection with the southerly prolongation of the west line of Section 26, T. 32 N., R. 5 W., M.D.B. & M., said point being on the southerly bank of the Sacramento River; thence south along the southerly prolongation of the west line of said Section 26 to an intersection with the centerline of the Southern Pacific Railroad Company's spur track to Shasta Dam; thence easterly along said centerline to its intersection with the centerline of the Southern Pacific Railroad Company's main track; thence southerly along said centerline to its intersection with the centerline of Sonoma Street; thence westerly along centerline of Sonoma Street to its intersection with the centerline of Court Street; thence northerly along the centerline of Court Street to its intersection with the centerline of Placer Street; thence westerly along the centerline of Placer Street to its intersection with the centerline of Highland Avenue; thence southerly along the centerline of Highland Avenue to its intersection with the centerline of South Street; thence westerly along the centerline of South Street to its intersection with the east boundary line of Fern Addition to the City of Redding; thence southwesterly in a direct line to the point of beginning.

Ward No. 6

Beginning at the northeast corner of Section 25, T. 32 N., R 5 W , M.D B. & M., said point being on the City of Redding boundary line, thence southeasterly along the City of Redding boundary to its intersection with the easterly prolongation of the centerline of Placer Street; thence westerly along said easterly centerline prolongation and the centerline of Placer Street to its intersection with the centerline of Southern Pacific Railroad Company's main track; thence northwesterly along said centerline to its intersection with the centerline of the Southern Pacific Railroad Company's spur track to Shasta Dam; thence northwesterly along said centerline to its intersection with the southerly prolongation of the west line of Section 26, T. 32 N., R. 5 W., M.D B. & M; thence north along said southerly prolongation and the west line of Section 26, T. 32 N., R. 5 W., M.D.B. & M., to the west quarter corner of said Section 26; thence east along the east-west midsection line to the east quarter corner of said Section 26; thence north along section line to the northeast corner of said Section 26; thence east along section line to the point of beginning.

Ward No. 7

Beginning at the intersection of the west bank of the Sacramento River and the easterly prolongation of the centerline of Placer Street, said point being on the City of Redding boundary line; thence southerly and easterly along City of Redding boundary as it existed April 5, 1965, to its intersection with the centerline of Hilltop Drive, said point being at the corner

of Hilltop Drive and Mistletoe Lane; thence southerly along the centerline of Hilltop Drive to its intersection with said City of Redding boundary; thence westerly and southerly along said City of Redding boundary to its intersection with the centerline of Southern Pacific Railroad Company's main track; thence northerly along the centerline of said main track to its intersection with the centerline at Placer Street; thence easterly along the centerline of Placer Street and the easterly prolongation of the centerline of Placer Street to the point of beginning.

Sec. 179.2a. All vacancies occurring in the office of trustee shall be filled by appointment by the remaining trustees of a resident of the ward for which the vacancy exists.

Sec. 179.2b. Each trustee shall receive such sum as may be fixed by the Board of Trustees of Zone 2 not exceeding twenty-five dollars ($25) for each meeting of the board attended by him, not exceeding two meetings in any calendar month. If allowed by the board each trustee shall also receive traveling and other expenses incurred by him in the performance of his duties.

Sec. 179.3. The Board of Trustees of Zone 2 may employ all necessary personnel, including a general manager, to enable it to carry out its powers and duties.

Sec. 179.4. The Board of Trustees of Zone 2 shall have power to acquire, construct, reconstruct, operate and maintain all works necessary for the treatment and disposition of sanitary sewage originating within the zone, whether such works be within or without the zone. It may acquire, construct, reconstruct, operate and maintain trunk lines to bring sanitary sewage to the treatment and disposal works from other publicly owned sewage systems. It may not acquire, construct, reconstruct, operate and maintain any lateral or collecting sewer lines, whether tributary to the trunk lines or otherwise. It may acquire, construct, reconstruct, operate and maintain works to control flood and storm water within Zone 2. It shall enter into contracts only with other public agencies in the zone having powers with respect to sanitary sewage, for payment to it of charges for services rendered by it. To carry out its principal powers, listed herein, the Board of Trustees of Zone 2 shall have all the power of the Board of Directors of the agency within the zone.

Sec. 179.5. General obligation bonds may be issued for the zone by the Board of Trustees to finance the acquisition, construction, or reconstruction of works subject to the same procedures required in Chapter 11 of this act for the issuance of general obligation bonds for any other zone by the agency, provided that the Board of Trustees shall after public hearing after publication of notice thereof in accordance with Section 6066 of the Government Code first determine the area to be benefited by the proposed bond issue and if such area is less than the entire zone, such board shall create an improvement

district comprising the benefited area within the zone, and authorize and issue bonds for such improvement district only.

Sec. 179.6. Revenue bonds may be issued for the zone by the Board of Trustees of Zone 2 to carry out their powers, under the provisions of the Revenue Bond Law of 1941.

Sec. 179.7. The Board of Trustees of Zone 2 may acquire sewage treatment works and sewer trunk lines constructed by other public agencies within the zone but only with the consent of such other public agency and shall reimburse the constructing agency for all of its costs, as agreed upon. As an alternate to other means of financing such acquisition, including the procedures under Section 179.5 the Board of Trustees of Zone 2 may pursuant to such agreement issue bonds without further approval by the electorate on behalf of the area already bonded to provide funds for paying off the bonded indebtedness of such constructing agency either on call or at maturity and for paying principal and interest on such bonds until they are callable.

Zone 2 may enter into contracts with any public agency from whom it acquires such works or lines for the repayment of the costs of such acquisition in installments.

If a sewage treatment plant or sewer trunk line is acquired or constructed for Zone 2, any public agency or improvement district within the zone which connects thereto shall pay, through charges, an appropriate portion of the fixed charges incurred in connection with the treatment plant or sewer trunk line, as determined by the Board of Trustees of Zone 2, including where appropriate, in the case of a late comer, reimbursement to other agencies for fixed charges previously paid by them.

Sec. 179.8. Except as to the property of other public agencies within the zone, the Board of Trustees of Zone 2 shall have the same powers of eminent domain for its purposes as is vested by this act in the agency.

Sec. 179.9. The Board of Trustees of Zone 2 may levy a tax sufficient to pay the interest and principal on any general obligation bond issue, within the area benefited by that bond issue, and may in addition levy for Zone 2 purposes an ad valorem tax on all property within the zone, at a rate not to exceed five cents ($0.05) on one hundred dollars ($100) of assessed valuation unless an increase in such maximum rate, being specified and proposed on either a temporary or permanent basis is approved by two-thirds of the voters of the zone voting thereon at an election for zone trustees. The tax so levied shall be assessed and collected in the same manner and by the same officers as county taxes are assessed and collected.

Sec. 179.10. The boundaries of Zone 2 and of its wards shall be automatically enlarged or contracted as a consequence of annexation to and exclusions from the boundaries of public agencies existing at the time Zone 2 is created and lying wholly within said zone, which have power to collect, treat, or dispose of sanitary sewage; provided that all territory annexed to the

City of Redding shall be included within either Wards 4, 5, 6 or 7 as the board of trustees deems appropriate. No part of the City of Redding shall ever be included in either Wards 1, 2, or 3.

The provisions of Chapters 1 and 4 of Part 7 of the Community Services District Law are hereby incorporated in this act as they may exist from time to time, to the end that annexations to and exclusions of territory from Zone 2 shall be made in the same way as such changes are made in community services districts, but no exclusions shall be ordered when, in the judgment of the board of trustees, it will be detrimental to the interests of Zone 2 and all references therein to the "board" shall be deemed references to the board of trustees of Zone 2

Sec. 179.11. The creation of a separate Board of Directors for Zone 2 shall not affect the power of the board of directors of the agency to levy a tax for administrative purposes or otherwise conduct the affairs of the agency as a whole. The provisions of Sections 167 and 180 of this act shall not apply to Zone 2. The creation and operation of Zone 2 shall not in any way affect or limit the powers of any other public agency within Zone 2, except that the design and location of any trunk lines or treatment facilities constructed by such other public agency must first be approved by the Board of Trustees of Zone 2 as to its conformity with the existing and proposed system for sewage disposal within the zone as to capacity, compatibility, and location conformance with the master sewer plan adopted by the Board of Trustees of Zone 2.

SEC. 2. Section 151 of said act is amended to read:

Sec. 151. The board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of the zone or participating zones, the proposition of incurring a bonded debt in the zone or participating zones in the amount and for the purposes stated in the resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred. 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 the board, and on file for particulars. 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 such special election shall be held, and the form and contents of the ballot to be used.

SEC. 3. Section 165 of said act is amended to read:

Sec. 165. The board may by ordinance submit to the electors of the agency, a proposition for the issuance of new bonds for the purpose of refunding any or all of the bonds outstanding voted by such electors, which proposition may be voted on at any general or special election. The procedure upon such election shall be in accordance, so far as applicable, with the

procedure upon an original issue of bonds, and the favorable vote of a majority of the electors voting upon the proposition shall be sufficient to authorize the issuance of refunding bonds. Such refunding bonds shall not bear a higher rate of interest than the bonds to be refunded and may be issued and sold in the manner and form prescribed for an original issue of bonds and may, if the holders of bonds of an original issue and board so agree, be exchanged for such original bonds provided, that the face value of the refunding bonds so exchanged shall not exceed the face value of the original bonds except for the amount of the call premium to be paid and the incidental expenses of the refunding issue. The board may raise money to pay principal and interest of such refunding bonds in the same manner as prescribed for the payment of bonds of an original issue.

CHAPTER 1864

An act to add Sections 71598, 71670.5 and 71674 to the Water Code, relating to municipal water 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 71598 is added to the Water Code, to read:

71598. A district may, by resolution of the board of directors spread on its minutes, change the name of the district. Certified copies of the resolution changing the name of the district shall be recorded in the office of the county recorder of every affected county and sent to the Secretary of State and county clerk of every affected county.

SEC. 2. Section 71670.5 is added to said code, to read:

71670.5. A district may supply sewage and waste services to property not subject to district taxes at special rates, terms and conditions as are determined by the board for such services.

SEC. 3. Section 71674 is added to said code, to read:

71674. A district may fix, levy and collect a sewage and waste service standby or availability charge in the same manner and under the same terms and conditions as are provided for a water standby or availability charge in Article 2 (commencing with Section 71630) of Chapter 2 of this part.

CHAPTER 1865

An act to amend Section 6404 of the Corporations Code, relating to corporate names.

[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 6404 of the Corporations Code is amended to read:

6404. No foreign corporation having a name which is likely to mislead the public or which is the same as, or resembles so closely as to tend to deceive, (a) the name of a domestic corporation, (b) the name of a foreign corporation which is authorized to transact business in this state, or (c) a name which is under reservation for a proposed corporation, shall transact business in this state or qualify to do so by complying with the provisions of this chapter, nor file with the Secretary of State a copy of any document by which any such name is adopted, unless and until either: (i) it obtains an order from a court of competent jurisdiction permanently restraining the other corporation from doing business in this state under that name and it files with the Secretary of State a copy of the order of court, duly certified by the clerk of the court; or (ii) the Secretary of State finds, upon proof by affidavit or otherwise as he may determine, that the business to be conducted in this state by said foreign corporation is not the same as or similar to the business being conducted by the corporation (or to be conducted by the proposed corporation) with whose name it may conflict and that the public is not likely to be deceived, and said foreign corporation agrees that it will add to its corporate name some distinguishing word or words acceptable to the Secretary of State and that it will use (and the corporation shall in fact use) the corporate name with such addition in all of its dealings with the Secretary of State and in the conduct of its affairs in this state.

CHAPTER 1866

An act to amend Section 201 of the Elections Code, relating to encouragement of registration.

[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 201 of the Elections Code is amended to read:

201. It is the intent of the Legislature that the election board of each county, in connection with the registration of

voters and in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

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

In furtherance of the purposes of this section, the governing board of any county, city, city and county, district, or other public agency, may authorize and assign any of its officers or employees to become deputy registrars of voters and to register qualified citizens on any premises and facilities owned or controlled by such public agencies during the regular working hours of such officers or employees; provided, that any compensation to which said officer or employee may be entitled to in payment for the services of such officer or employee as a deputy registrar may be paid by the authority which appointed such officer or employee as a deputy registrar to the public agency which regularly employs such officer or employee.

CHAPTER 1867

An act to amend Sections 18302, 18303, and 18304 of the Education Code, relating to allowances for project-connected pupils.

[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 18302 of the Education Code is amended to read:

18302. A project-connected pupil, as used in this article (commencing at Section 18301), means a child of a parent, guardian, or other person standing in loco parentis who has enrolled in the regular full-time day schools of the district subsequent to the commencement of a project, whose parent or guardian is employed by a contractor or subcontractor in connection with the project, or by the State of California whose work is in connection with the project, and which child is in addition to the number of children who would otherwise normally be expected to be in the district.

The identification of project-connected pupils shall be subject to the approval of the Superintendent of Public Instruc-

tion in accordance with regulations that he is herewith authorized to adopt. The records identifying and accounting for the attendance of project-connected children shall be prescribed by the Superintendent of Public Instruction.

SEC. 2. Section 18303 of said code is amended to read:

18303. For the 1964–1965 fiscal year and each fiscal year thereafter, the Superintendent of Public Instruction shall allow to each eligible district, for each unit of average daily attendance in the regular full-time day schools of the district during the preceding fiscal year of project-connected pupils, as project-connected pupils are defined in Section 18302, an amount equal to the foundation program of the district, plus any supplemental amount computed under Education Code Sections 17924 and 17925, less basic state aid, state equalization aid and supplemental support for the preceding fiscal year, divided by the second period average daily attendance of the district for the preceding fiscal year.

SEC. 3. Section 18304 of said code is amended to read:

18304. The units of average daily attendance of project-connected pupils, as defined in Section 18302 for a fiscal year shall be computed by dividing the total number of days of attendance of such pupils by the number of days school was actually taught in the regular day schools of the district during the fiscal year.

CHAPTER 1868

An act to amend Section 5037 of the Public Resources Code, relating to the Bidwell Mansion.

[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 5037 of the Public Resources Code is amended to read:

5037. The department shall provide for the preservation, development, and interpretation of the Bidwell Mansion, and grounds, in the City of Chico, as a state historical monument. The department shall provide for such restoration and improvements as are necessary to carry out the purposes of this section, upon appropriation of the necessary funds.

The properties acquired, restored, improved, maintained, and operated pursuant to this section shall constitute a portion of the state park system.

CHAPTER 1869

An act to add Section 35009.1 to the Government Code, relating to the annexation of territory to cities.

[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 35009.1 is added to the Government Code, to read:

35009.1. Any land which is zoned and restricted for agricultural purposes exclusively pursuant to a general plan for land use in any county and which was, at the time it was so zoned and restricted, not located within three miles of the boundary of any city shall not, while it is so zoned, be annexed to a city pursuant to Article 2 (commencing with Section 35100) or Article 5 (commencing with Section 35300), without the consent of two-thirds of the owners of land which is proposed to be annexed.

Land so zoned shall not be considered unincorporated territory for purposes of Sections 35158 and 35326. This section shall not apply to counties which have, on or before December 31, 1954, adopted a master plan for land use which includes provision for the zoning and restricting of land for exclusively agricultural purposes.

This section shall apply only to counties which have adopted a general plan for land use which includes provision for the zoning and restricting of land for exclusively agricultural purposes.

This section shall not be construed and is not intended to prevent the annexation of roads, and lands so zoned shall not be included in computing the ½-mile limitation under Government Code Sections 35105.5 or 35304.5 as to any territory situated outside of the land so zoned.

CHAPTER 1870

An act to add Section 30791.6 to the Streets and Highways Code, relating to toll bridges, and making an appropriation therefor.

[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 30791.6 is added to the Streets and Highways Code, to read:

30791 6. From funds in the Revenue Fund of the San Francisco-Oakland Bay Bridge which have accrued up to

December 31, 1964, the department is authorized to use the sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, 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 all studies and performing all preliminary work, including but not limited to engineering studies, traffic studies, consultant fees, and other expenses, in connection with the improvement or reconstruction of the Dumbarton Bridge.

CHAPTER 1871

An act to amend Section 730 of the Welfare and Institutions Code, relating to the Juvenile Court Law.

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

730. When a minor is adjudged a ward of the court on the ground that he is a person described by Section 601, the court may order any of the types of treatment referred to in Section 727, and as an additional alternative, may commit the minor to a county juvenile home, ranch, camp, or forestry camp. Until the 91st day after final adjournment of the 1967 Regular Session of the Legislature, if there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall for a period not to exceed three months.

When such ward is placed under the supervision of the probation officer or committed to his care, custody and control, the court may make any and all reasonable orders for the conduct of such ward including the requirement that he go to work and earn money for the support of his dependents or to effect reparation and in either case that he keep an account of his earnings and report the same to the probation officer and apply such earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

Such ward may be committed to the Youth Authority only upon a proceeding for the modification of an order of the court conducted pursuant to the provisions of Section 777.

CHAPTER 1872

An act to repeal Section 15718 of the Education Code, relating to leasing of school buildings.

[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 15718 of the Education Code is repealed.

CHAPTER 1873

An act to add Section 75030.8 to the Government Code, relating to the Judges' Retirement Law.

[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 75030.8 is added to the Government Code, to read:

75030.8. A Member of the Senate or Assembly who is not returned to office, or who chooses not to run, when the Senate or Assembly district, respectively, to which he was last elected, is altered pursuant to a reapportionment of legislative districts other than a decennial reapportionment, and whose contributions as a judge remain on deposit in the fund under Section 75033, shall, during the term of office for which he was elected:

(a) Have a right under Section 75030.5 to elect by written election filed with the Controller at any time prior to his retirement, to make contributions pursuant to Section 75030.5 and to receive credit in this system as service rendered for all or any part of his service as an elected state constitutional officer, or as a public legal officer, as defined in Section 75030.5, either before or after his service as a judge, excluding any period of time for which he is receiving or is entitled to receive a retirement allowance from any other public retirement system.

(b) Be retired as a judge under Section 75025 upon attaining, as provided in this section, the age and service requirements specified in that section.

For the purposes of this section, "service as an elected state constitutional officer" shall include all or any portion of the term of office for which he was duly elected as such elected state constitutional officer as specified by law at the time of his election preceding such reapportionment.

CHAPTER 1874

An act to amend Section 1427 of the Education Code, relating to costs of elections.

[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 1427 of the Education Code is amended to read:

1427. The cost of any election held under the provisions of Article 6 (commencing with Section 3291), of Chapter 10, Division 5, or Article 3 (commencing with Section 2361), of Chapter 5, Division 5, where the election is being held for the assumption of bonded indebtedness of the district to which the territory is being transferred or where the county board of supervisors requires an election to be held in the whole district from which the territory would be transferred, shall be paid from the county general fund.

CHAPTER 1875

An act to add Section 566 to the Streets and Highways Code, relating to state highway routes.

[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 566 is added to the Streets and Highways Code, to read:

566. Route 266 is from Route 168 near Oasis to the Nevada state line via Mono county road 101.

CHAPTER 1876

An act to amend Sections 10801, 17411.1, 17666.2, and 20201 of, to add Sections 10800, 25505, 25505.1, 25505.2, 25505.3, 25505.4, 25505.5, 25505.6, 25505.7, 25505.8, and 25505.9 to, and to repeal Sections 25505 and 25505.5 of, the Education Code, relating to the public school system 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 10800 is added to the Education Code, to read:

10800. The provisions of this article do not apply to attendance in junior colleges.

SEC. 2. Section 10801 of said code is amended to read:

10801. The governing board of any school district may admit to the schools or classes maintained in the district any pupil who lives in another school district which maintains schools or classes of the grade levels which the pupil desires to attend. An agreement providing for such attendance shall be entered into between the governing board and the governing board of the district in which the pupil lives. The agreement shall stipulate the terms upon which the interdistrict attendance shall be permitted. The terms of the agreement may require the payment of actual cost of education of the pupil, determined in the manner provided by Section 10805, or any lesser amount per pupil, as determined by the governing boards in their discretion, but in any event not less than the state apportionments resulting from the attendance.

SEC. 3. Section 17411.1 of said code is amended to read:

17411.1. The Superintendent of Public Instruction shall withhold from the apportionment to a junior college district, as a part of the first principal apportionment and second principal apportionment, the amount allowed the district for the average daily attendance in grades 13 and 14 by reason of the operation of Section 17666.2 of pupils residing in the district who were in attendance at a junior college in another district. The amount withheld per unit of average daily attendance shall be determined by dividing the total amount of basic state aid and state equalization aid computed for the district of residence of such pupils by the total foundation program average daily attendance of the district.

The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the junior college district maintaining the junior college at which the pupils were in attendance.

SEC. 4. Section 17666.2 of said code is amended to read:

17666.2. For each junior college district, he shall multiply the number of units of average daily attendance, during the fiscal year, in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by six hundred dollars ($600).

For purposes of this section and Section 17851, the average daily attendance of a junior college district shall, subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11451 and 11501 except that there shall be excluded from the computation the attendance of all students deemed "nonresident" or "nondistrict resident" as defined in Sections 25505 and 25505.1, and there shall be included in the computation the attendance of all "district resident" students as defined in Sections 25505 and 25505.1 residing in the district who were in attendance at a junior college in another district. Notwithstanding the above provisions of this section, the attendance of students deemed nonresidents as

provided in Sections 25505 and 25505.1 shall be included in the average daily attendance of a junior college for the purposes of Section 17851.

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance during the fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults.

SEC. 5. Section 20201 of said code is amended to read:

20201. Not later than August 8th of each year, the superintendent of schools of each county in which there is not a county junior college shall certify the following items to the board of supervisors and to the county auditor of the county in accordance with the rules and regulations of the Superintendent of Public Instruction, which he is hereby authorized to adopt:

(a) The total current expense of education, exclusive of the expense for transportation of students, during the next preceding fiscal year of all nondistrict resident junior college students, as defined in Sections 25505 and 25505.1, less state basic aid and federal apportionments received during the next preceding fiscal year for such junior college students.

(b) The actual expense of transportation of such students not reimbursed by the state.

(c) An amount equal to three hundred dollars ($300) per unit of average daily attendance of such students during the preceding fiscal year for the use of buildings and equipment.

(d) The estimated amount needed as specified in subdivisions (a), (b), and (c) of this section for the current year.

The Superintendent of Public Instruction shall define, for the purposes of this section, the term "current total expense of education" and the term "actual expense of transportation."

If during any fiscal year the county superintendent of schools determines that an amount of at least one hundred dollars ($100) more or an amount at least one hundred dollars ($100) less than was required under either subsection (a), (b), or (c) of this section was certified to the board of supervisors and the county auditor during a prior fiscal year, such amount shall, not later than the third succeeding fiscal year, be deducted from or added to the amount otherwise certified for subdivisions (a), (b), or (c) for the current fiscal year, as appropriate.

SEC. 6. Section 25505 of said code is repealed.

SEC. 7. Section 25505.5 of said code is repealed.

SEC. 8. Section 25505 is added to said code, to read:

25505 The following definitions shall be used in Sections 25505.1 to 25505.9 inclusive:

(a) A nonresident is a student whose residence is not in the State of California.

(b) A district resident is a student whose residence is in the State of California and is within a district.

(c) A nondistrict resident is a student whose residence is in the State of California but is not within a district.

(d) A district is a school district maintaining or formed to maintain one or more junior colleges.

SEC. 9. Section 25505.1 is added to said code, to read:

25505.1. Residence for junior college attendance purposes shall be determined in accordance with Government Code Sections 243 and 244 except that:

(a) If an unmarried minor resides with a parent, the residence of the minor shall be that of the parent with whom he is residing.

(b) The residence of an unmarried minor who for at least two years has been in the continuous direct care and control of and has lived with an adult resident of the state other than his parent, shall be that of such adult resident.

(c) A married woman may establish her own residence.

(d) An apprentice as defined in Section 3077 of the Labor Code may establish his own residence.

SEC. 10. Section 25505.2 is added to said code, to read:

25505.2. Each student enrolled in or applying for enrollment in a junior college shall provide information as required by the district in order that determination may be made that he is a nonresident, a district resident, or a nondistrict resident. The determination of residence of students shall be made as of the opening day of the semester, session, or quarter during which the student proposes to attend a junior college, and except to correct errors or false information such determination shall not be changed during that semester, session, or quarter.

SEC. 11. Section 25505.3 is added to said code, to read:

25505.3. Subject to the provisions of Sections 25503 to 25504.5, inclusive, a district resident shall be admitted to a junior college in another district unless such admission would be contrary to the terms of an interdistrict attendance agreement or a notice of restriction.

SEC. 12. Section 25505.4 is added to said code, to read:

25505.4. (a) An interdistrict attendance agreement may be entered into between two districts specifying the terms and conditions under which district residents of one district may attend a junior college in the other district. The agreement may be for any period agreed upon but for not less than one year.

(b) Tuition charges including charges for use of buildings and equipment may be specified as part of the terms and conditions of an interdistrict attendance agreement. Such charges shall be not less than the apportionments provided by the state to the district of attendance because of attendance of students under the agreement nor shall such charges be more than would be computed as specified in Section 20201.

(c) If either district is within the first three years of its existence and has not acquired facilities from a preceding district, the $300 charge for use of buildings and equipment specified in Section 20201 shall not be charged to either district.

SEC. 13. Section 25505.5 is added to said code, to read:

25505.5. A district may restrict admission of its residents in a junior college of another district or it may restrict admission of residents of another district into its junior college or colleges by means of a notice of restriction. The notice of restriction shall be sent to the district to which it applies, to the county superintendent of each county containing all or part of both districts, and shall be published in the catalogue of the district issuing the notice and of the district to which the notice applies. A notice of restriction shall be effective with the school session immediately following the next succeeding April 1 after receipt of the notice by the district to which it is directed. It shall continue in effect until withdrawn. A district receiving a notice of restriction shall not permit attendance contrary to the notice.

SEC. 14. Section 25505.6 is added to said code, to read:

25505.6. If within 30 days after having requested permission to enroll in a junior college of another district, a resident student is not permitted to attend because of the terms of an interdistrict attendance agreement or a notice of restriction, an appeal may be made to the county board of education in the county of the student's residence. The appeal may be made by the student, his parent, or his guardian.

Within 30 days after the filing of the appeal the county board of education or its delegated representative shall grant or deny the appeal.

If the appeal is granted and attendance is allowed, the district of residence shall pay tuition to the district of attendance in accordance with an interdistrict attendance agreement which is in effect between the districts. In the absence of an interdistrict attendance agreement and subject to the provisions of Section 25505.4(c) the rate of tuition shall be computed as specified in Section 20201 including the specified $300 charge per unit of average daily attendance for use of buildings and equipment.

SEC. 15. Section 25505.7 is added to said code, to read:

25505.7. The governing board of any school district shall admit to a junior college maintained by it any nondistrict resident who meets the requirements of Sections 25503 to 25504.5, inclusive.

SEC. 16. Section 25505.8 is added to said code, to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less, (b) are both citizens and residents of a foreign country, or (c) are military personnel or the dependents of military personnel. Any exemptions shall be made with regards to all

nonresidents described in (a), or (b), or (c) above, and shall not be made on an individual basis.

A district may, without the approval of the Superintendent of Public Instruction contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the State Board of Education not later than January 1st of each year. The fee shall represent the amount per student enrolled in junior colleges in all the districts of the state, which is expended by all the districts from district tax funds for the costs of instruction as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

The amount per pupil enrolled shall be derived by dividing the costs of instruction expended from district funds during the preceding year by the quotient of the average daily attendance during the same year in grades 13 and 14 of all districts maintaining junior colleges in the state divided by 1.2. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The State Board of Education shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the junior college.

A district shall report annually to the State Department of Education the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962–63 more than 25 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1970–71 and except that the provisions of this section which require annual reports to be filed with the State Department of Education on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 17. Section 25505.9 is added to said 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.

SEC. 18. This act is an urgency measure necessary for the immediate preservation of public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of citizens of the state require the continued orderly and unhampered functioning of the educational processes including admissions to public junior colleges. The admissions procedures depend, in part, upon the determination of place of residence of the applicants for admission and upon valid interchange of students from one district to another. This act provides means for the orderly establishment of interdistrict attendance agreements and for a uniform basis for determination of responsibility for providing educational services.

CHAPTER 1877

An act to amend Section 437c of the Code of Civil Procedure, relating to procedure in civil cases.

[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 437c of the Code of Civil Procedure is amended to read:

437c. In superior courts and municipal courts if it is claimed the action has no merit, or that there is no defense to the action, on motion of either party, after notice of the time and place thereof in writing served on the other party at least 10 days before such motion, supported by affidavit of any person or persons having knowledge of the facts, the answer may be stricken out or the complaint may be dismissed and judgment may be entered, in the discretion of the court unless the other party, by affidavit or affidavits shall show such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact. A judgment so entered is an appealable judgment as in other cases. The word "action" as used in this section shall be construed to include all types of proceedings. The word "answer" as used in this section shall be construed to include counterclaim and cross-complaint. The filing of a motion under this section shall not

extend the time within which a party must otherwise file an answer, demurrer or motion to strike

The affidavit or affidavits in support of the motion must contain facts sufficient to entitle plaintiff or defendant to a judgment in the action, and the facts stated therein shall be within the personal knowledge of the affiant, and shall be set forth with particularity, and each affidavit shall show affirmatively that affiant, if sworn as a witness, can testify competently thereto.

The affidavit or affidavits in opposition to said motion shall be made by the plaintiff or defendant, or by any other person having knowledge of the facts, and together shall set forth facts showing that the party has a good and substantial defense to the plaintiff's action (or to a portion thereof) or that a good cause of action exists upon the merits. The facts stated in each affidavit shall be within the personal knowledge of the affiant, shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto. When the party resisting the motion appears in a representative capacity, such as a trustee, guardian, executor, administrator, or receiver, then the affidavit in opposition by such representative may be made upon his information and belief.

If it appear that such defense applies only to a part of the plaintiff's claim, or that a good cause of action does not exist as to a part of the plaintiff's claim, or that any part of a claim is admitted or any part of a defense is conceded, the court shall, by order, so declare, and the claim or defense shall be deemed established as to so much thereof as is by such order declared and the cause of action may be severed accordingly, and the action may proceed as to the issues remaining between the parties. No judgment shall be entered prior to the termination of such action but the judgment in such action shall, in addition to any matters determined in such action, award judgment as established by the proceedings herein provided for. A judgment entered under this section is an appealable judgment as in other cases.

CHAPTER 1878

An act to add Section 620 to the Revenue and Taxation Code, relating to the assessment of 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 620 is added to the Revenue and Taxation Code, to read:

620. When the assessed value of any real property on the secured roll has been increased by more than five hundred dol-

lars ($500), or by more than 10 percent, over its assessed value on the roll for the year immediately preceding but notice of the assessed value of such property or notice of such increase has not been issued pursuant to Section 619, the taxes thereon may be paid under protest. If payments are made in installments, the protest need not be repeated with the second installment. Protests shall be made by filing with the tax collector, together with the payment of the taxes or their first installment, a petition for assessment reduction on the form prescribed by the county board, which form the collector is to forward to the clerk of the county board with the notation that taxes were paid under protest pursuant to this section. If the taxes are so paid and the assessee has not previously applied for a reduction of the assessment, the county board at its next annual meeting as an equalization board shall thereupon equalize such assessment in the manner prescribed by Article 1 (commencing with Section 1601), Chapter 1, Part 3 of this division.

The tax rate fixed for property on the roll on which the property so equalized appears at the time of its original assessment shall be applied to the amount of the equalized assessment, 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.

If any taxes are paid under protest pursuant to this section, the taxing agency to which the taxes are paid may, in accordance with Section 26906.1 of the Government Code, impound such taxes until the final disposition of the claim or action respecting the protest. No such impounding is required.

SEC. 2. This act shall become operative on July 1, 1966.

CHAPTER 1879

An act relating to the conveyance of land to the City of Capitola.

[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. There is hereby granted to the City of Capitola, a municipal corporation, in trust, all the right, title and interest of the State of California in and to the surface, and those portions of the subsurface, down to and including two

hundred (200) feet below the surface of the subject lands, for the purposes, and subject to the conditions specified in Section 2, and described as follows:

1. All that real property in the County of Santa Cruz, State of California, described in the deed from J. B. Bias, Jr., et ux. to the State of California dated January 20, 1948, recorded September 2, 1948 in Volume 674 of Official Records, page 193, Santa Cruz County.

2. All that real property in the County of Santa Cruz, State of California, described in the deed from the City of Capitola to the State of California dated September 12, 1960, recorded January 13, 1961 in Volume 1366 of Official Records, page 445, Santa Cruz County.

SEC. 2. It is hereby found and determined:

(a) Because of geographical factors, the city can better administer for public use the subject lands for park, playground, marine, recreational and beach purposes than the state.

(b) The city is willing to accept such administration and control from the state upon the following conditions, which the state finds are necessary, reasonable and proper:

(1) The state shall convey to the city all its right, title and interest in and to the surface of the subject lands, and in and to all portions of the subsurface of said lands down to and including two hundred (200) feet below such surface. The state expressly reserves all rights it now has, if any, to use the surface of the subject lands and all portions of the subsurface of said lands down to and including 200 feet below such surface, for the development and production of oil, gas, other hydrocarbons and minerals from beneath those specific parcels of the subject lands involved.

(2) Except as provided in paragraph (3), the conveyance of the grants is made upon the express condition that the property conveyed hereby shall be used for a public park, or beach used by all the public for recreational purposes, and for no other purposes whatsoever, and should said property or any portion thereof be used for any other purpose, then, in that event, such portion of the property hereby conveyed shall immediately revert unto the grantor herein, its successors or assigns.

(3) The city may for limited periods, not exceeding 99 years, lease any or all of the portion of the subject lands which lie east of the eastern line of the land described in the deed to the Capitola Sanitation District, recorded July 24, 1933, in Volume 245 of Official Records, page 397, Santa Cruz County, for purposes consistent with purposes specified in paragraph (2) of this section, including, but not limited to, motels or hotels, or both.

The conveyance is not to take effect until the execution of an agreement between the City of Capitola and the Department of Parks and Recreation specifying all the conditions and the agreement is approved by the Department of General Services.

CHAPTER 1880

An act to amend Sections 65000, 65002, 65003, and 65007 of, to add Chapter 3 (commencing with Section 65100) and Chapter 4 (commencing with Section 65800) to Title 7 of, and to repeal Section 65005, Chapter 3 (commencing with Section 65090), and Chapter 4 (commencing with Section 65800) of Title 7 of the Government Code, relating to planning and zoning by counties and cities.

[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 65000 of the Government Code is amended to read:

65000. This chapter may be cited as the Planning and Zoning Law.

SEC. 2. Section 65002 of said code is amended to read:

65002. "Street" includes street, highway, freeway, expressway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement and right-of-way, and other ways.

SEC. 3. Section 65003 of said code is amended to read:

65003. "Right-of-way" means any public or private right-of-way and includes any area required for public use pursuant to any general plan or specific plan.

SEC. 4. Section 65007 of said code is amended to read:

65007. For the purposes of carrying out the powers granted to it by this title, any planning commission organized pursuant to this title unless otherwise provided by local ordinance may do the following:

(a) Contract for, receive and utilize any grants or other financial assistance made available by the federal government.

(b) Contract with the federal government and any of its agencies, the state and any of its agencies, or the legislative body of any city or county.

SEC. 5. Chapter 3 (commencing with Section 65100) is added to Title 7 of said code, to read:

CHAPTER 3. LOCAL PLANNING

Article 1. Planning Agency

65100. By ordinance the legislative body of each county and city shall establish a planning agency. Such planning agency may be a planning department, a planning commission, or the legislative body itself, or any combination thereof. The planning agency of the county shall include a planning commission.

65101. The functions of the planning agency are as follows:

(a) It shall develop and maintain a general plan.

(b) It shall develop such specific plans as may be necessary or desirable.

(c) It shall periodically review the capital improvement program of the county or city.

(d) It shall perform such other functions as the legislative body may provide.

65102. Each planning agency has the powers necessary to enable it to fulfill and carry out its planning functions as provided in this title.

65103. In the performance of their functions, planning agency personnel may enter upon any land and make examinations and surveys, provided that such entries, examinations and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

65104. Upon request all public officials shall furnish to the planning agency within a reasonable time such available information as may be required for the work of such planning agency.

Article 2. Planning Commissions

65150. When a county or city planning commission is created, the organization thereof, the number of members thereof, their terms of office and the method of their appointment and removal, shall be as provided by local ordinance; provided, however, that each county or city planning commission shall have at least five (5), and not more than nine (9), members.

Article 3. Planning Department

65200. The legislative body of each county and city may establish a planning department, and the officers and employees that the legislative body deems necessary for its work shall be appointed by the appointing power of the county or city.

65201. The appointing power of each county and city may appoint a director of planning, who shall be a person qualified by training, experience, and demonstrated ability to manage the affairs of the planning department.

65202. The legislative body of each county and city may employ or contract with planning consultants and other specialists for such services as it requires.

Article 4. Financing

65250. The county or city legislative body shall provide the funds, equipment and accommodations necessary for the work of the planning agency of the county or city.

65251. For the purpose of informing themselves on matters affecting the functions and duties of the planning agency, and if authorized by the legislative body of the county or city, the personnel of the planning agency, whether members of the legislative body, members of the planning commission, or officers or employees of the planning department, may attend

planning conferences, meetings of planning executives, or hearings on planning legislation or matters affecting all or part of the general plan, and the reasonable expenses incidental to such attendances shall be charges upon the funds allocated to the planning agency. The planning agency may when authorized by the legislative body pay dues for memberships in organizations engaged in the study of planning.

65252. Members of a planning commission may receive compensation for their attendance at each meeting of the commission in a sum to be fixed by the legislative body by which they are appointed. In addition they may also receive reasonable traveling expenses to and from the usual place of business of the commission to any place of meeting of the commission within the county or city.

Article 5. Authority for and Scope of General Plans

65300. Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning.

65301. The general plan shall be so prepared that all or individual elements of it may be adopted by the legislative body, and so that it may be adopted by the legislative body for all or part of the territory of the county or city and such other territory outside its boundaries which in its judgment bears relation to its planning.

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

65303 The general plan may include the following elements or any part or phase thereof:

(a) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources.

The conservation element may also cover:

(1) The reclamation of land and waters.

(2) Flood control.

(3) Prevention and control of the pollution of streams and other waters.

(4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(5) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(6) Protection of watersheds.

(b) A recreation element showing a comprehensive system of areas and public sites for recreation, including the following and, when practicable, their locations and proposed development:

(1) Natural reservations.

(2) Parks.

(3) Parkways.

(4) Beaches.

(5) Playgrounds.

(6) Other recreation areas.

(c) The circulation element provided for in Section 65302 (b) may also include recommendations concerning parking facilities and building setback lines and the delineations of such systems on the land; a system of street naming, house and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

(d) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation, and related facilities.

(e) A transit element showing a proposed system of transit lines, including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

(f) A public services and facilities element showing general plans for sewerage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them.

(g) A public buildings element showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and other public buildings including their architecture and the landscape treatment of their grounds.

(h) A community design element consisting of standards and principles governing the subdivision of land, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

(i) A housing element consisting of standards and plans for the elimination of substandard dwelling conditions, the improvement of housing and for provision of adequate sites for housing. This element of the plan should endeavor to make

adequate provision for the housing needs of all segments of the community regardless of race, color or economic level.

(j) A redevelopment element consisting of plans and programs for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

(k) A safety element for the protection of the community from fires and geologic hazards including features necessary for such protection as evacuation routes, peak load water supply requirements, minimum road widths, clearances around structures, and geologic hazard mapping in areas of known geologic hazards.

(*l*) Such additional elements dealing with other subjects which in the judgment of the planning agency relate to the physical development of the county or city.

65304. During the formulation of a general plan, the planning agency shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of plans may be secured and properly located sites for all public purposes may be indicated on the general plan.

65305. Whenever a city planning agency is considering a general plan or any part or element thereof it shall be referred to the planning agency of the county in which the city is located, every other county which abuts upon such city, every city which abuts upon such city, and every county or city the territory of which is included in said plan or part or element thereof, for the purpose of informing such planning agency or agencies of said plan or part or element thereof and receiving its or their comments thereon. The provisions of this section are directory, not mandatory, and the failure to refer such plan or any part or element thereof as herein provided shall not in any manner affect its validity.

65306. Whenever a county planning agency is considering a general plan or any part or element thereof it shall be referred to the planning agency of every city within the county, every other city which abuts upon such county, every county which abuts upon such county, and every county or city the territory of which is included in said plan or part or element thereof, for the purpose of informing such planning agency or agencies of said plan or part or element thereof and receiving its or their comments thereon. The provisions of this section are directory, not mandatory, and the failure to refer such plan or any part or element thereof as herein provided shall not in any manner affect its validity.

Article 6. Adoption of General Plan

65350. The general plan or any part or element thereof, and any amendment to such plan or any part or element thereof, shall be adopted in the manner provided in this article.

65351. When the county or city has a planning commission, the planning commission shall hold at least one public hearing before approving a general plan or any part or element thereof, or any amendment to such plan or any part or element thereof. Notice of the time and place of the hearing shall be given at least 10 calendar days before the hearing in the following manner:

(a) If the matter is before a county planning commission, the notice shall be published at least once in a newspaper of general circulation published and circulated in the county, or if there is none, it shall be posted in at least three public places in the county.

(b) If the matter is before a city planning commission, the notice shall be published at least once in a newspaper of general circulation published and circulated in the city, or if there is none, it shall be posted in at least three public places in the city.

In addition to notice by publication, a county or city may give notice of the hearing in such other manner as it may deem necessary or desirable.

Any hearing may be continued from time to time.

65352. The approval by the planning commission of the general plan or any part or element thereof, or any amendment to such plan or any part or element thereof, shall be by resolution of the commission carried by the affirmative votes of not less than a majority of its total voting members.

65353. The general plan or any part or element thereof, or any amendment to such plan or any part or element thereof, shall be endorsed in the manner provided by the legislative body to show that it has been approved by the planning commission.

65354. Upon approval by the planning commission of the general plan or any part or element thereof, or any amendment to such plan or any part or element thereof, it shall be transmitted to the legislative body of the county or city.

65355. Before adopting the general plan or any part or element thereof, or any amendment to such plan or any part or element thereof, the county or city legislative body shall hold at least one public hearing. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in Section 65351.

In addition to notice by publication, a county or city may give notice of the hearing in such other manner as it may deem necessary or desirable.

Any hearing may be continued from time to time.

65356. In adopting a general plan or any part or element thereof, or any amendment to such plan or any part or element thereof, which has been approved by the planning commission, the legislative body shall not make any change or addition until the proposed change or addition has been referred to the planning commission for a report and a copy of the report has

been filed with the legislative body. Failure of the planning commission to report within 40 days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the planning commission to hold a public hearing on such proposed change or addition.

65357. The adoption of the general plan or any part or element thereof, or any amendment to such plan or any part or element thereof, shall be by resolution of the legislative body of the county or city.

65358. If the city does not have a planning commission, the only procedural steps required for the adoption of the general plan or any part or element thereof, or any amendment to such plan or any part or element thereof, shall be those provided in this article for action by the legislative body.

65359. The general plan or any part or element thereof, or any amendment to such plan or any part or element thereof, shall be endorsed in the manner provided by the legislative body to show that it has been adopted by the legislative body.

65360. A copy of the adopted general plan of a county shall be sent to the planning agency of each city within the county, and said plan or any portion thereof may be adopted as a part of the city general plan. A copy of the adopted general plan of a city shall be sent to the planning agency of the county within which the city is located, and said plan or any portion thereof may be adopted as a part of the county general plan. The provisions of this section are directory, not mandatory, and the failure to send such adopted plan or any portion thereof as herein provided shall not in any manner affect its validity.

Article 7. Administration of General Plan

65400. After the county or city legislative body has adopted all or part of a general plan, the planning agency shall:

(a) Investigate and make recommendations to the legislative body upon reasonable and practical means for putting into effect the general plan or part thereof, in order that it will serve as a pattern and guide for the orderly physical growth and development of the county or city and as a basis for the efficient expenditure of its funds relating to the subjects of the general plan; the measures recommended may include plans, regulations, financial reports, and capital budgets.

(b) Render an annual report to the legislative body on the status of the plan and progress in its application.

(c) Endeavor to promote public interest in and understanding of the general plan, and regulations relating to it.

(d) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally with relation to carrying out the general plan.

65401. If a general plan or part thereof has been adopted, within such time as may be fixed by the legislative body, each county or city officer, department, board, or commission, and each governmental body, commission, or board whose jurisdiction lies entirely within the county or city, whose functions include recommending, preparing plans for, or constructing, major public works, shall submit to the official agency, as designated by the respective county board of supervisors or city council, a list of the proposed public works recommended for planning, initiation or construction during the ensuing fiscal year. The official agency receiving the list of proposed public works shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body. The provisions of this paragraph (a) shall not apply to acquisitions or abandonments for street widening or alignment projects of a minor nature if the legislative body so provides by ordinance or resolution.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having

jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

Article 8. Authority For and Scope of Specific Plans

65450. The planning agency may, or if so directed by the legislative body shall, prepare specific plans based on the general plan and drafts of such regulations, programs, and legislation as may in its judgment be required for the systematic execution of the general plan and the planning agency may recommend such plans and measures to the legislative body for adoption.

65451. Such specific plans may include:

(a) Regulations limiting the location of buildings and other improvements with respect to existing or planned rights-of-way.

(b) Regulations of the use of land and buildings, the height and bulk of buildings, and the open spaces about buildings.

(c) Street and highway naming and numbering plans in order to establish the official names of streets and highways, to remove conflicts, duplication and uncertainty among such names, and to provide an orderly system for the numbering of buildings and properties.

(d) Such other matters which will accomplish the purposes of this chapter, including procedure for the administration of such regulations.

(e) Such other measures as may be required to insure the execution of the general plan.

Article 9. Procedure for Adoption of Specific Plans and Regulations

65500. Before recommending to the legislative body that it adopt a specific plan or regulation or any amendment to a specific plan or regulation, the planning commission shall hold at least one (1) public hearing. Notice of the time and place of said hearing shall be given at least 10 calendar days before the hearing in the following manner:

(a) If the matter is before a county planning commission, the notice shall be published at least once in a newspaper of general circulation published and circulated in the county, or if there is none, it shall be posted in at least three public places in the county.

(b) If the matter is before a city planning commission, the notice shall be published at least once in a newspaper of general circulation published and circulated in the city, or if there is none, it shall be posted in at least three public places in the city.

In addition to notice by publication, a county or city may give notice of the hearing in such other manner as it may deem necessary or desirable.

Any hearing may be continued from time to time.

65501. The recommendation of any specific plan or regulation, or of any amendment to a specific plan or regulation shall be by resolution of the planning commission carried by the affirmative votes of not less than a majority of its total voting members.

65502. A copy of any specific plan, regulation, or amendment recommended pursuant to this article shall be submitted to the legislative body and shall be accompanied by a statement of the planning commission's reasons for such recommendation.

65503 Upon receipt of a copy of any proposed specific plan or regulation or amendment of such plan or regulation the legislative body may by ordinance or resolution adopt the plan or regulation. Before adopting the proposed specific plan or regulation the legislative body shall hold at least one (1) public hearing. Notice of the time and place of said hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in Section 65500.

In addition to notice by publication, a county or city may give notice of the hearing in such other manner as it may deem necessary or desirable.

Any hearing may be continued from time to time.

Such plan or regulation, as adopted, shall be designated as a specific plan or regulation.

65504. The legislative body shall not make any change or addition in any proposed specific plan, regulation, or amendment thereto recommended by the planning commission until the proposed change or addition has been referred to the planning commission for a report and a copy of the report has been filed with the legislative body. Failure of the planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the planning commission to hold a public hearing on such proposed change or addition.

65505. If the city does not have a planning commission, the only procedural steps required for the adoption of a specific plan or regulation or any amendment to a specific plan or regulation shall be those provided in this article for action by the legislative body.

65506. Nothing in this chapter applies to the adoption or amendment of any ordinance by the legislative body, whether or not it may relate to the subjects mentioned in Article 8 of this chapter, except ordinances expressly adopting or amending a specific plan initiated pursuant to this chapter.

Article 10. Administration of Specific Plans and Regulations

65550. The legislative body may determine and establish administrative rules and procedures for the application and enforcement of specific plans and regulations, and may assign or delegate such administrative functions, powers, and duties to the planning or other agency as may be necessary or desirable.

65551. The legislative body may create administrative agencies, boards of review, appeal, and adjustment, and provide for other officials, and for funds for the compensation of such officers, employees, and agencies and for the support of their work.

65552. No street shall be improved and no sewers or connections or other improvements shall be laid or authorized in any street within any territory for which the legislative body has adopted a specific street or highway plan until the matter has been referred to the planning agency for a report as to conformity with such specific street or highway plan and a copy of the report has been filed with the legislative body unless one of the following conditions applies:

(a) The street has been accepted, opened, or has otherwise received the legal status of a public street prior to the adoption of the plan.

(b) It corresponds with streets shown on the plan.

(c) It corresponds with streets shown on a subdivision map or record of survey approved by the legislative body.

(d) It corresponds with streets shown on a subdivision map previously approved by the planning commission.

Such report shall be submitted to the legislative body within forty (40) days after the matter was referred to the planning agency.

Article 11. Area Planning

65600 A planning area for area planning purposes may include populated areas, unpopulated areas, or unimproved areas within or outside of cities, or any combination of such areas. A planning area shall consist of contiguous territory.

65601. By resolution, the governing bodies of the city, or cities, county, or counties, or any of them in which a planning area lies may establish an area planning commission.

65602. The legislative bodies of the cities and counties affected shall appoint the area planning commission members.

65603. A member of an area planning commission from any city or county may be removed by majority vote of the legislative body of such city or county.

65604. The functions and the operation of an area planning commission, including the employment of personnel, consultants and specialists by contract, shall be in accord with a plan for organization, functions and financing mutually agreed upon by the cooperating counties and cities.

Article 12. Joint Action

65650. Two or more county and city planning commissions may hold joint meetings and by approval of the respective legislative bodies may have the same chairman. A county or city planning commission, or both, may also hold joint meetings with an area planning commission.

65651. Two or more county, city or area planning commissions, or any combination of them, may make cooperative arrangements for a joint director of planning and for such other employees as may be required to operate a joint staff and may contract to render technical service to another commission in the same area. Such arrangements or contracts shall be approved by the legislative bodies concerned

Article 13. Applicability of Chapter

65700. The provisions of this chapter shall not apply to a charter city, except to the extent that the same may be adopted by charter or ordinance of the city.

SEC. 6. Chapter 4 (commencing with Section 65800) is added to Title 7 of said code, to read:

CHAPTER 4. ZONING REGULATIONS

Article 1. General Provisions

65800. It is the purpose of this chapter to provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities, as well as to implement such general plan as may be in effect in any such county or city. The Legislature declares that in enacting this chapter it is its intention to provide only a minimum of limitation in order that counties and cities may exercise the maximum degree of control over local zoning matters.

65801. Formal rules of evidence or procedure which must be followed in court shall not be applied in zoning matters, except to the extent that a county or city may provide therefor. No action, inaction or recommendation regarding any zoning matter by any legislative body or any administrative body or official of any county or city shall be held void or invalid or be set aside by any court on the ground of the improper admission or rejection of evidence or by reason of any error, irregularity, informality, neglect or omission (hereinafter called "error") as to any matter pertaining to petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals or any matters of procedure whatever, including, but not limited to, those included in this section, unless after an examination of the entire case, including the evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed There shall be no presumption that error is prejudicial or that injury was done if error is shown.

65802. No provisions of this code, other than the provisions of this chapter, and no provisions of any other code or statute shall restrict or limit the procedures provided in this chapter by which the legislative body of any county or city enacts, amends, administers, or provides for the administration of any zoning law, ordinance, rule or regulation.

65803 The provisions of this chapter shall not apply to a chartered city, except to the extent that the same may be adopted by charter or ordinance of the city.

Article 2. Adoption of Regulations

65850. Pursuant to the provisions of this chapter, the legislative body of any county or city by ordinance may:

(a) Regulate the use of buildings, structures and land as between agriculture, industry, business, residence and other purposes.

(b) Regulate signs and billboards.

(c) Regulate location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards,

courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; the intensity of land use.

(d) Establish requirements for off-street parking and loading.

(e) Establish and maintain building setback lines.

(f) Create civic districts around civic centers, public parks, public buildings or public grounds and establish regulations therefor.

65851. For such purposes the legislative body may divide a county, a city, or portions thereof, into zones of the number, shape and area it deems best suited to carry out the purpose of this chapter.

65852. All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones.

65853. A zoning ordinance or an amendment to a zoning ordinance, which amendment changes any property from one zone to another or imposes any regulation listed in Section 65850 not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be adopted in the manner set forth in Sections 65854 to 65857, inclusive. Any other amendment to a zoning ordinance may be adopted as other ordinances are adopted.

65854 The planning commission shall hold a public hearing on any such ordinance or amendment. Notice of the time and place of said hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least 10 calendar days before the hearing in the following manner:

(a) If the matter is before a county planning commission, the notice shall be published at least once in a newspaper of general circulation, published and circulated in the county, or if there is none, it shall be posted in at least three public places in the county.

(b) If the matter is before a city planning commission the notice shall be published at least once in a newspaper of general circulation, published and circulated in the city, or if there is none, it shall be posted in at least three public places in the city.

(c) In prezoning, if the matter is before a city planning commission the notice shall be published at least once in a newspaper of general circulation, published and circulated in the area to be prezoned, or if there is none, it shall be posted in at least three public places in the area to be prezoned.

In addition to notice by publication, a county or city may give notice of the hearing in such other manner as it may deem necessary or desirable.

Any hearing may be continued from time to time.

65855. After the hearing, the planning commission shall render its decision in the form of a written recommendation

to the legislative body. Such recommendation shall include the reasons for the recommendation and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

65856. Upon receipt of the recommendation of the planning commission, the legislative body shall hold a public hearing; provided, however, that if the matter under consideration is an amendment to a zoning ordinance to change property from one zone to another, and the planning commission has recommended against the adoption of such amendment, the legislative body shall not be required to take any further action thereon unless otherwise provided by ordinance or unless an interested party shall request such a hearing by filing a written request with the clerk of the legislative body within five days after the planning commission files its recommendations with the legislative body.

Notice of the time and place of said hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in Section 65854.

In addition to notice by publication, a county or city may give notice of the hearing in such other manner as it may deem necessary or desirable.

Any hearing may be continued from time to time.

65857. The legislative body may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed ordinance or amendment by the legislative body shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed modification

65858. Without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, the legislative body, to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated zoning proposal which the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time. Such urgency measure shall require a four-fifths vote of the legislative body for adoption. Such interim ordinance shall be of no further force and effect 90 days from the date of adoption thereof; provided, however, that after notice pursuant to Section 65856 and public hearing, the legislative body may by a four-fifths vote extend such interim ordinance for one year. Not more than two such extensions may be adopted. When such interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this section, covering the whole or a part of the same property, shall automatically

terminate and be of no further force or effect upon the termination of the first such ordinance or any extension thereof as herein provided.

65859. A city may prezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city. The method of accomplishing such prezoning shall be as provided by this chapter for zoning within the city. Such zoning shall become effective at the same time that the annexation becomes effective.

If a city has not prezoned territory which is annexed, it may adopt an interim ordinance in accordance with the provisions of Section 65858.

65860. No county or city shall be required to adopt a general plan prior to the adoption of a zoning ordinance.

65861. When there is no city planning commission, the legislative body of such city shall do all things required or authorized by this chapter of the city planning commission.

Article 3. Administration

65900. The legislative body of a city or county may, by ordinance, create and establish either a board of zoning adjustment, or the office of zoning administrator or both. It may also, by ordinance, create and establish a board of appeals. Members of a board of zoning adjustment and members of a board of appeals may receive compensation for their attendance at each meeting of their respective boards in a sum to be fixed by the legislative body by which they are appointed. In addition, they may also receive reasonable traveling expenses to and from the usual place of business of such board to any place of meeting of the board within the county or city.

65901. The board of zoning adjustment or zoning administrator shall hear and decide applications for conditional uses or other permits when the zoning ordinance provides therefor and establishes criteria for determining such matters, and applications for variances from the terms of the zoning ordinance. Said board or said zoning administrator may also exercise such other powers as may be granted by local ordinance, and adopt all rules and procedures necessary or convenient for the conduct of its or his business.

65902. In the event that neither a board of zoning adjustment or the office of a zoning administrator has been created and established, the planning commission shall exercise all of the functions and duties of said board or said administrator.

65903. A board of appeals, if one has been created and established by local ordinance, shall hear and determine appeals from the decisions of the board of zoning adjustment or the zoning administrator, as the case may be. Procedures for such appeals shall be as provided by local ordinance. Such board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed

from, and may make such order, requirement, decision, or determination as should be made, and such action shall be final.

65904. If a board of appeals has not been created and established the local legislative body shall exercise all of the functions and duties of the board of appeals in the same manner and to the same effect as provided in Section 65903.

65905. Whenever an application for a variance, or a conditional use permit or other permit, for revocation or modification of same or an appeal from the action taken thereon, is submitted to the body or person charged with conducting a public hearing thereon, notice of hearing shall be given by notice through the United States mails, with postage prepaid using addresses from the last equalized assessment roll, or alternatively, from such other records of the assessor or the tax collector as contain more recent addresses in the opinion of said body, or by both publication in a newspaper of general circulation in accordance with Section 65854 and posting said notice in conspicuous places close to the property affected. Procedure for mailing or posting of said notices shall be governed by the provisions of the local ordinance.

65906. Variances from the terms of the zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

SEC. 7. Section 65005 of said code is repealed

SEC. 8 Chapter 3 (commencing with Section 65090) of Title 7 of said code is repealed.

SEC. 9. Chapter 4 (commencing with Section 65800) of Title 7 of said code is repealed.

CHAPTER 1881

An act to amend Section 6651 of the Health and Safety Code, relating to 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 6651 of the Health and Safety Code is amended to read:

6651. The outstanding bonds of the district shall not at any one time exceed 15 percent of the assessed value of the real and personal property of the district, except where the board elects to use the county assessor's tax roll pursuant to Article 6 (commencing with Section 6780) of Chapter 7 of this part, in which case the outstanding bonds of the district may equal an amount not to exceed 20 percent of the assessed value of the real and personal property of the district.

Within the meaning of this section the term "bonds" means only bonds payable from the proceeds of taxes levied upon taxable property in the district.

CHAPTER 1882

An act to add Section 268.8 to the Revenue and Taxation Code, relating to the welfare exemption, 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 268.8 is added to the Revenue and Taxation Code, to read:

268.8. For the purposes of Section 268, "property as to which the welfare exemption was available for any fiscal year commencing during the calendar year 1964" includes property owned by a nonprofit corporation which would otherwise qualify for the welfare exemption, except that at the lien date for that year its articles of incorporation did not provide that its property was irrevocably dedicated to charitable, scientific or hospital purposes, and upon its liquidation, dissolution or abandonment would not inure to the benefit of any private person, except a fund, foundation or corporation organized and operated for charitable, scientific or hospital purposes, if the nonprofit corporation does all of the following:

(1) Files an affidavit with the assessor that its property was at that time and has been since then irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon liquidation, dissolution or abandonment of the owner would 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.

(a) Amended its articles of incorporation during the calendar year 1964 to provide that its property is irrevocably dedicated to charitable, scientific, or hospital purposes and upon 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 charitable, scientific or hospital purposes.

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

Some organizations have inadvertently failed to amend their articles of incorporation to reflect their actual status, 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 1883

An act to add Article 10 (commencing with Section 29520) to Chapter 2 of Division 3 of Title 3 of the Government Code, relating to county funds.

[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 10 (commencing with Section 29520) is added to Chapter 2 of Division 3 of Title 3 of the Government Code, to read:

Article 10. Property Tax Reduction Fund

29520. The board of supervisors may establish a property tax reduction fund, into which shall be placed all new revenues, other than property taxes, made available by the Legislature for use by boards of supervisors.

29521. The board may appropriate moneys to the fund and shall require deposit therein of all moneys required to be deposited in the property tax reduction fund by any provision of law. The board shall require that no estimates of new revenues, other than property taxes, made available by the Legislature for use by boards of supervisors shall be placed in the preliminary county budget. On the concluding day of the public budget hearing the board of supervisors shall receive from the county auditor a list of estimated revenues, that will have been made available by the Legislature for use by boards of supervisors and after reviewing and making any necessary changes they shall then make these additional revenues a part

of the county final budget and order the depositing of the additional revenues in the property tax reduction fund.

29522. After any money has been deposited in the property tax reduction fund, it may be withdrawn therefrom only if the board reduces the rate of county and district taxes in an amount sufficient to reduce the revenue derived from property taxes in an amount equal to the amount withdrawn from the fund. Such reduction shall be made prior to the time the county auditor performs the duties imposed upon him by Section 2152 of the Revenue and Taxation Code. Withdrawals from the property tax fund and reductions in the rate of county and district taxes shall be authorized by the board of supervisors only on the concluding day of the public budget hearing.

29523. Any moneys withdrawn from the property tax reduction fund may be expended for any purpose authorized by law.

CHAPTER 1884

An act to add Section 4257.5 to the Agricultural Code, relating to milk sales.

[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 4257.5 is added to the Agricultural Code, to read:

4257.5. Each person who submits a bid for the sale to an agency of the United States Government of fluid milk or milk products utilizing class 1 fluid milk shall file with the director, at the same time such bid is submitted, a complete copy of such bid and the following certification:

"The undersigned certifies that in sales by the undersigned to agencies of the United States Government, pursuant to the attached bid, of fluid milk or milk products utilizing class 1 fluid milk, as such class 1 fluid milk is defined in Chapter 17 (Commencing with Section 4200), Division 6, of the Agricultural Code, the undersigned is complying with all California statutes and regulations pertaining to the establishment and enforcement by the California Director of Agriculture of minimum prices to be paid producers for such class 1 fluid milk."

All bids and certifications filed pursuant to this section shall be confidential and shall not be divulged except when necessary for the proper determination of any court proceeding or hearing before the director.

CHAPTER 1885

An act to add Article 8 (commencing with Section 30798) to Chapter 2 of Division 17 of the Streets and Highways Code, relating to planning and study of toll crossings.

[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 8, commencing with Section 30798, is added to Chapter 2 of Division 17 of said code, to read:

Article 8. San Francisco-Marin Crossing

30798. 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 eight hundred fifty thousand dollars ($850,000) or so much thereof as 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 this code, and after providing for payment for completion of the improvement of the San Mateo-Hayward Bridge as authorized by Section 30791 of this code, for the purpose of making studies and performing all 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 for investigation and study of the feasibility of financing through revenue bonds and constructing a toll bridge or other toll highway crossing from the City and County of San Francisco to the County of Marin with a leg therefrom crossing either to Contra Costa County or Alameda County, including the feasibility of rapid transit thereon. The department shall submit a progress 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, and shall submit a final report thereon to the Legislature at the 1967 Regular Session not later than May 1, 1967.

CHAPTER 1886

An act to amend Section 20812 of, and to add Section 20810.6 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 20812 of the Government Code is amended to read:

20812. All contributions made pursuant to Sections 20810.5, 20810.6 and 20811 shall be considered to be, and shall be administered as, normal contributions by the member, and his normal rate of contribution and his normal accumulated contributions shall be adjusted to what they would have been if his membership in this system had been effective at the beginning of the time for which the contributions are made pursuant to such sections. The state service credited pursuant to such sections shall be credited as current service or prior service, or both, as it would be credited if the member had been an employee of the contracting agency throughout the service so credited.

SEC. 2. Section 20810.6 is added to said code, to read:

20810.6. A local member who is an employee of a county which is a contracting agency and who, prior to entering county employment, was employed by a housing authority created under the provisions of Chapter 1 (commencing with Section 34200) of Part 2, Division 24 of the Health and Safety Code within the county, which housing authority was not a contracting agency at the time of such employment, shall receive credit as state service under the contract of such contracting agency for time during which he was employed by such public agency in the same manner and to the same extent as if he had been employed by such contracting agency during such time if he does not receive credit for such time in any other publicly supported retirement system, and if he elects while in such county employment and within 90 days after notice of his right to elect to pay to the system in amounts, at times, and in the manner prescribed by the board, and thereafter pays in accordance with such election, (1) any contributions which he would have paid to this system had he been an employee of such contracting agency during such time; and (2) an amount equal to the interest which would have been credited to the date or dates of payment to such contributions had he been such an employee.

This section shall not apply to any contracting agency nor to the employees of such agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts, except that an election among employees

is not required. An election of a contracting agency to be subject to this section may not be made after June 30, 1966.

CHAPTER 1887

An act to add Chapter 19.2 (commencing with Section 5530) to Part 3, Division 7 of the Streets and Highways Code, 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. Chapter 19.2 (commencing with Section 5530) is added to Part 3, Division 7 of the Streets and Highways Code, to read:

CHAPTER 19.2. ADDITIONAL ASSESSMENT

5530. In the event that the cost and expense of the improvement work payable by the real estate benefited by such work exceeds the construction costs set forth in the contract, because of an act or omission of the legislative body or its superintendent of streets, officers, or employees occurring prior to the award of the contract which subjects the legislative body to liability pursuant to Division 3.6 (commencing with Section 810), Title 1 of the Government Code, the legislative body may settle this liability out of court, or may pay a judgment rendered by the court as to this liability, by a payment out of the General Fund or by an additional assessment.

5531. In the event payment is to be made by an additional assessment, the additional assessment shall be made and collected, and notice thereof shall be given in the same manner, as nearly as may be, as in the case of the original assessment. The superintendent of streets shall prepare and file with the additional assessment, a diagram showing the lots or parcels of land deemed by him to have been benefited by the work. The superintendent of streets shall assess the additional assessment upon the several lots or parcels of land shown in such diagram in the proportion to the estimated benefits to be received by each of the several lots or parcels of land.

5532. Sections 5366, 5367, 5368, 5369 and 5372 of this code shall apply to the additional assessment except that the objections, appeals or protests referred to in Section 5366 shall be limited to the matter of the cost of liability and not relate to the work, acquisition or improvement.

5533. The lien of an additional assessment, whether bonds issued to represent the additional assessment or otherwise, shall be subordinate to all special assessment liens previously imposed upon the property, but it shall have priority over all special assessment liens which may thereafter be created

against the property; and from and after the date of the recording of any warrant, special assessment and diagram, all persons shall be deemed to have notice of the contents thereof.

CHAPTER 1888

An act to amend Section 501 of the Agricultural Code, relating to milk inspection.

[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 501 of the Agricultural Code is amended to read:

501. (a) The city or county or group of either or both maintaining an approved milk inspection service where an inspection fee is levied and collected shall determine the actual cost of making an inspection of a dairy farm producing market milk, or a milk products plant processing or handling market milk and related products, or both such farm and plant, within the area designated and assigned to such service by the director.

(b) For the purpose of maintaining an approved milk inspection service, the city or county or group of either or both may, but is not required to, levy and collect an inspection fee or fees from distributors of market milk produced at dairy farms, or processed and handled at milk products plants, or both, within the area designated and assigned to such service by the director. The dairy farm inspection fee shall not exceed the actual cost to the city or county of making the dairy farms inspection. No approved milk inspection service and no distributor shall charge any portion of such fees to any producer. The milk products plant inspection fee shall not exceed the actual cost of making the milk products plant inspection. The cost of such inspections, dairy and plant, may include all directly related costs.

(c) Where an approved milk inspection service inspects a dairy farm, said dairy farm inspection fee, if levied, shall be collected from the distributor or distributors of market milk produced on said dairy farm, whether or not the milk products plants of said distributors are located within the area designated and assigned to such service by the director. Where an approved milk inspection service inspects a milk products plant, said milk products plant inspection fee, if levied, shall be collected from the distributor maintaining said milk products plant.

(d) Nothing in this section shall require any city or county to levy and collect an inspection fee for either dairy farm

inspection or milk products plant inspection, or both, where such fee or fees are not presently levied or collected.

(e) Whenever market milk produced at a dairy farm is delivered to more than one milk products plant, any inspection fee levied for the cost of said dairy farm inspection service shall be proportioned upon an equitable basis between distributors receiving said market milk at their milk products plants and shall be paid for in such proportions by each such distributor to the approved milk inspection service rendering the inspection service.

(f) Charges made by approved milk inspection services for inspection fees shall be subject to audit by the director or his authorized agents, and for this purpose the director or his authorized agents shall have access to all books, papers, records or documents pertaining to any and all transactions of any such approved milk inspection service and shall have the power to inspect and copy the same in any place within the state.

(g) No city or county, through an approved milk inspection service or otherwise, shall levy or collect any fee or tax from or against producers or distributors for the purpose of inspecting milk or dairy products on trucks or other vehicles or during transportation of such milk or dairy products. Any inspection of milk or dairy products on trucks or other vehicles shall be a part of the dairy farm or milk products plant inspection provided for in this article.

CHAPTER 1889

An act to amend Section 730 of the Welfare and Institutions Code, relating to juvenile court law.

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

730. When a minor is adjudged a ward of the court on the ground that he is a person described by Section 601, the court may order any of the types of treatment referred to in Section 727, and as an additional alternative, may commit the minor to a county juvenile home, ranch, camp, or forestry camp. Until the 91st day after final adjournment of the 1967 Regular Session of the Legislature, if there is no county juvenile home, ranch, camp, or forestry camp within the county, the court may commit the minor to the county juvenile hall for a period not to exceed three months.

When such ward is placed under the supervision of the probation officer or committed to his care, custody and control,

the court may make any and all reasonable orders for the conduct of such ward including the requirement that he go to work and earn money for the support of his dependents or to effect reparation and in either case that he keep an account of his earnings and report the same to the probation officer and apply such earnings as directed by the court. The court may impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

Such ward may be committed to the Youth Authority only upon a proceeding for the modification of an order of the court conducted pursuant to the provisions of Section 777.

CHAPTER 1890

An act to amend Sections 659 and 663a of, and to repeal Section 667a and add Sections 595.1, 664.5 and 667a to, the Code of Civil Procedure, relating to civil procedure.

[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 595.1 is added to the Code of Civil Procedure, to read:

595.1. The term "proceeding in a court" as it is used in Section 595 shall include any discovery proceeding, pretrial conference, deposition, interrogatory, or any other proceeding arising out of a pending civil action.

The enactment of this section at the 1965 Regular Session of the Legislature does not constitute a change in, but is declaratory of, the preexisting law.

SEC. 1.5 Section 659 of said code is amended to read:

659. The party intending to move for a new trial must file with the clerk and serve upon the adverse party a notice of his intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court or both, either

1. Before the entry of judgment; or

2. Within 10 days of the date of mailing notice of entry of judgment by the clerk of the court pursuant to Section 664.5, or service upon him by any party of written notice of entry of judgment, or within 180 days after the entry of judgment, whichever is earlier.

Said notice of intention to move for a new trial shall be deemed to be a motion for a new trial on all the grounds stated in the notice The time above specified shall not be extended by order or stipulation.

SEC. 2. Section 663a of said code is amended to read:

663a. The party intending to make the motion mentioned in the last section must file with the clerk and serve upon the adverse party a notice of his intention, designating the grounds upon which the motion will be made, and specifying the particulars in which the conclusions of law are not consistent with the finding of facts or in which the judgment or decree is not consistent with the special verdict, either

1. Before the entry of judgment;

2. Within 10 days of the date of mailing of notice of entry of judgment by the clerk of the court pursuant to Section 644.5, or service upon him by any party of written notice of entry of judgment, or within 180 days after the entry of judgment, whichever is earlier.

An order of the court granting such motion may be reviewed on appeal in the same manner as a special order made after final judgment.

SEC. 3. Section 664.5 is added to said code, to read:

664.5. Promptly upon entry of judgment in a superior or municipal court, and whether trial was by the court or jury, the clerk of the court shall mail notice of entry of judgment to all parties who have appeared in the action and shall execute an affidavit of such mailing and place it in the court's file in the case.

SEC. 4. Section 667a of said code is repealed.

SEC. 5. Section 667a is added to said code, to read:

667a. Promptly upon entry of judgment in a justice court, and whether trial was by the court or jury, the clerk of the court or the judge shall mail notice of entry of judgment to all parties who have appeared in the action and shall execute an affidavit of such mailing and place it in the court's file in the case.

CHAPTER 1891

An act to add Article 5 (commencing with Section 12090) to Chapter 5, Division 9 of the Education Code, relating to protection of pupils.

[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 5 (commencing with Section 12090) is added to Chapter 5 of Division 9 of the Education Code, to read:

Article 5. School Eye Safety

12090. It shall be the duty of the governing board of every school district, and of every county superintendent of schools, and of every person, firm, or organization maintaining any

private school, in this state, to equip schools with eye protective devices as defined in Section 12092, for the use of all students, teachers, and visitors when participating in the courses which are included in Section 12091. It shall be the duty of the superintendents, principals, or teachers charged with the supervision of any class in which any such course is conducted, to require such eye protective devices to be worn by students, teachers, and visitors under the circumstances prescribed in Section 12091.

12091. The eye protective devices shall be worn in courses including, but not limited to, vocational or industrial arts shops or laboratories, and chemistry, physics or combined chemistry-physics laboratories, at any time at which the individual is engaged in, or observing, an activity or the use of hazardous substances likely to cause injury to the eyes.

Hazardous substances likely to cause physical injury to the eyes include materials which are flammable, toxic, corrosive to living tissues, irritating, strongly sensitizing, radioactive, or which generate pressure through heat, decomposition or other means as defined in the California Hazardous Substances Labeling Act.

Activity or the use of hazardous substances likely to cause injury to the eyes includes, but is not necessarily limited to, the following:

1. Working with hot molten metal.
2. Milling, sawing, turning, shaping, cutting, grinding and stamping of any solid materials.
3. Heat treating, tempering, or kiln firing of any metal or other materials.
4. Gas or electric arc welding.
5. Repairing or servicing of any vehicles, or other machinery or equipment.
6. Working with hot liquids or solids or with chemicals which are flammable, toxic, corrosive to living tissues, irritating, strongly sensitizing, radioactive, or which generate pressure through heat, decomposition, or other means.

12092. For purposes of this article the eye protective devices utilized shall be industrial quality eye protective devices which meet the standards of the American Standards Association Safety Code for Head, Eye and Respiratory Protection (Z2.1–1959), promulgated by the American Standards Association, Incorporated.

12093. The eye protective devices may be sold to the pupils and teachers at a price which shall not exceed the actual cost of the eye protective devices to the school or governing board.

12094. The term eye protective devices as used in Sections 12090 to 12093 shall not include prescription lenses as defined in Chapter 5.4 (commencing with Section 2540), Division 2, Business and Professions Code.

CHAPTER 1892

An act to add Section 6580.5 to the Elections Code, relating to the conduct of elections.

[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 6580.5 is added to the Elections Code, to read:

6580.5. Not less than five days before he transmits the certified list of candidates to the county clerks, as provided in Section 6580, the Secretary of State shall notify each candidate for partisan office of the names, addresses, offices, occupations, and party affiliations of all other persons who have filed for the same office.

CHAPTER 1893

An act to repeal Sections 89 and 134 of the Civil Code, and to amend Section 426a of the Code of Civil Procedure and to amend Section 26859 of the Government Code and to amend Section 10000 of, and to repeal and add Chapter 6.5 (commencing with Section 10360) of Division 9 of, and to add Article 4 (commencing with Section 10620) to Chapter 12 of Division 9 of, and to add Sections 10000.1, 10038, 10584, and 10678.1 to, the Health and Safety Code, relating to vital statistics, 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. The Legislature finds and declares that adequate, accurate and accessible information about divorces, annulments, and legal separations which occur in this state is of vital importance to the persons involved, legislators who must make important decisions relating thereto, and scholars and researchers attempting to aid in the solution of marriage and divorce problems through collection and analysis of relevant data.

The Legislature recognizes that California is one of the states which keep such minimal records concerning divorce that they are ineligible to participate in the divorce registration area established by the National Office of Vital Statistics as a comprehensive program aimed at improving vital statistics collection throughout the country concerning vital events in the lives of our people, such as birth, marriage, death and divorce. The result is that California does not have basic vital statistics information about divorces occurring within the

state The present system does not serve effectively either the purpose of a statewide index or to furnish basic vital statistics data regarding divorce.

It is the intent and purpose of the Legislature to upgrade California's information-gathering procedures in order to bring more information into accessibility for the legal and other professions which need this data and to make possible more enlightened and detailed studies of the divorce phenomenon as an aid to remedial legislation. The procedures set forth herein, creating a certificate of divorce registry, represent no innovation, but merely the extension of long-established methods and procedures for obtaining basic vital statistics data. The Legislature recognizes, however, that the completion of a birth or marriage certificate is usually a happy occasion in the lives of the persons concerned; that the information furnished on a death certificate seldom may be detrimental to the deceased or survivors; but that the execution of the certificate of divorce occurs at a time of great trauma for the parties involved and, because of the adversary nature of divorce litigation, may be used to their detriment if not properly protected. For these reasons, intent of the Legislature is to encourage the furnishing of accurate and truthful data by protecting the information so furnished. Accordingly such data is expressly deemed confidential and shall not be made available to anyone except those expressly authorized by the Legislature in this legislation.

SEC. 1.5. Section 89 of the Civil Code is repealed.

SEC. 2. Section 134 of said code is repealed.

SEC. 3. Section 426a of the Code of Civil Procedure is amended to read:

426a. In an action for divorce, annulment or separate maintenance, there shall be furnished to the county clerk by the plaintiff at the time of filing of the initial complaint, or within 10 days thereafter and before the date of the first hearing, that information, required to be collected by the State Registrar of Vital Statistics, in the manner specified under Chapter 6.5 (commencing with Section 10360) of Division 9 of the Health and Safety Code. The clerk shall accept the complaint for filing, whether or not said information is then furnished. At any time after the filing of the complaint, the defendant may also furnish such information, whether or not it has been first furnished by the plaintiff. The clerk shall take all ministerial steps required of him in the action, whether or not such information has been furnished; but the clerk shall advise the court, at the time set for any hearing, if at such time no party has furnished such information. In such cases, the court may decline to hear any matter encompassed within the action if good cause for such failure to furnish information has not been shown.

The court's inquiry in such cases shall be confined solely to the question of the existence of good cause for not furnishing the information; and such report and the contents thereof

shall not be admissible in evidence and shall not be furnished to the court.

SEC. 4. Section 26859 of the Government Code is amended to read:

26859. The fee for the filing of the vital statistics information required to be collected under Chapter 6 5 (commencing with Section 10360) of Division 9 of the Health and Safety Code is two dollars ($2), and shall be paid at the time of filing of each initial complaint action for divorce, annulment or separate maintenance. In any action for divorce, annulment or separate maintenance, in which the complaint was filed before January 1, 1966, and which has not resulted in final judgment before such date, the filing fee of two dollars ($2) shall be paid before final judgment is entered.

The county clerk by the 10th day of each month shall pay to the State Registrar of Vital Statistics one-half of all such fees collected during the immediately preceding month. The State Registrar of Vital Statistics shall transmit such sums to the State Treasurer for deposit in the General Fund.

SEC. 5. Section 10000 of the Health and Safety Code is amended to read:

10000. Each live birth, fetal death, death, and marriage which occurs in the state shall be registered as provided in this division on the prescribed certificate forms.

SEC. 6. Section 10000.1 is added to said code, to read:

10000.1. In each action for divorce, annulment or separate maintenance, the reports and information required under this division shall be filed with the State Registrar.

SEC. 7. Section 10038 is added to said code, to read:

10038. Notwithstanding any other provision of law relating to retention of public records, the State Registrar may cause the preliminary reports required to be reported under Chapter 6.5 (commencing with Section 10360) to be disposed of after five years from the date of filing of the initial complaint providing the final decree of divorce or decree of annulment or separate maintenance or dismissal has been filed as required.

SEC. 8. Chapter 6.5 (commencing with Section 10360) of Division 9 of said code is repealed.

SEC. 9. Chapter 6.5 (commencing with Section 10360) is added to Division 9 of said code, to read:

CHAPTER 6.5. DIVORCE, ANNULMENT AND SEPARATE MAINTENANCE REPORTS

Article 1. General Provisions

10360. The following reports shall be filed with the State Registrar upon forms prescribed and furnished by the State Registrar and in the manner prescribed under this division.

(1) A preliminary report when filing a complaint in an action for divorce, annulment or separate maintenance.

(2) Information relative to interlocutory divorce decrees entered.

(3) Certificates of registry of final decrees of divorce and decrees of separate maintenance and annulment or a dismissal.

10361. (a) The information required to be filed under this chapter in divorce, annulment, or separate maintenance actions, shall not be open to public inspection in the offices of the State Registrar or the county clerk. Nothing in this section shall be construed to preclude qualified persons with a valid educational or scientific research interest from having access to the records and the information included thereon, upon approval of the office of the State Registrar of Vital Statistics and without substantial cost to the state or local offices concerned.

(b) All information and reports required to be filed and prepared under the authority of this division shall be made available to any duly constituted legislative committee of the State Legislature upon the request of such committee.

(c) No person who obtains access to any information required to be furnished by this chapter shall disclose any such information in any manner which would permit identification of any party in any greater detail than authorized for public distribution by the State Registrar under Section 10362.

10362. In addition to the general requirements of this division, the State Registrar shall conduct and cooperate in conducting such research and study and prepare and publish such reports and information as are necessary to appropriately report the facts which are required to be furnished under authority of this chapter relative to the subject of divorce, annulment and separate maintenance actions.

Article 2. Duty of Furnishing Information

10363. It shall be the duty of the plaintiff in any such action to furnish the required information in the prescribed manner to the county clerk at the time of filing the initial complaint in the action, or within 10 days thereafter and before the date of the first hearing.

Article 3. Information

10364. The preliminary report shall contain insofar as can be determined and ascertained the following information:

(a) Type of complaint, county in which action filed, case number and date complaint filed;

(b) For husband and wife—full name (maiden name of wife), date of birth, present address, length of stay in California, birthplace, social security number, occupation, highest school grade completed, color or race, religious denomination, number of previous marriages dissolved by death, divorce or annulment;

(c) Place and date of marriage;

(d) Names, birthplaces and dates of birth of living children (born or adopted) of this marriage;
(e) Place and date of separation;
(f) Legal grounds on which complaint is filed;
(g) Certification of above facts by plaintiff;
(h) Name and address of attorney for plaintiff; and
(i) Certification of the county clerk.

10365. The information on interlocutory divorce decrees shall include the county in which the complaint was filed, case number, last name of husband, date initial complaint filed, and date interlocutory decree entered.

10366. The record of the clerk of the court and the certificate of registry of final decree of divorce, or the decree of annulment, separate maintenance or dismissal shall include, in addition to information specified in Section 10364, the type of decree, date decree entered, to whom decree granted, whether action was contested, and date interlocutory decree entered if divorce action.

10367. Complete revised information shall be filed with the county clerk in all cases where more complete or accurate information required under this chapter becomes available to the plaintiff subsequent to the filing of the initial complaint. Such reports shall be handled in the same manner as had the information been furnished correctly as initially required.

Article 4. Reporting to State Registrar

10368. The county clerk shall transmit to the State Registrar on or before the fifth day of each month the preliminary reports of divorce, annulment or separate maintenance complaints accepted for filing by him during the previous month.

10369. The county clerk shall transmit to the State Registrar on or before the fifth day of each month the certificates of registry of final decrees of divorce, decrees of annulment and separate maintenance, and the order of dismissal in all such actions entered by him the previous month.

10370. The county clerk shall transmit to the State Registrar on or before the fifth day of each month the information on interlocutory divorce decrees entered during the previous month, which is required to be filed under Section 10365.

10371. In cases where a judgment of final decree of divorce or decree of annulment is vacated, the county clerk shall complete a report to this effect to the State Registrar, who shall file this report with the final decree of divorce or decree of annulment.

SEC. 10. Section 10584 is added to said code, to read:

10584. Certified copies or certification of abstract information required to be filed under authority of Chapter 6.5 (commencing with Section 10360) in the offices of the State Registrar and county clerks shall not include information relative to occupation, highest school grade completed, color or race, reli-

gious denomination, previous marriages ended by death, divorce or annulment, and children.

SEC. 11. Article 4 (commencing with Section 10620) is added to Chapter 12 of Division 9 of said code, to read:

Article 4. Fees for Divorce, Annulment and Separate Maintenance Reports

10620. It is the intention of the Legislature that the amounts received under authority of Section 26859 of the Government Code shall substantially cover the costs of administering the requirements of Chapter 6.5 (commencing with Section 10360) by the offices of the State Registrar and the county clerks and that this matter be periodically reviewed in order that such adjustments as may be indicated can be made by the Legislature.

SEC. 12. Section 10678.1 is added to said code, to read:

10678.1. Any person who violates the provisions and intent of subdivision (c) of Section 10361 is guilty of a misdemeanor.

SEC. 13. Sections 1 through 12, inclusive, of this act shall become operative January 1, 1966, and shall remain in effect until December 31, 1969.

SEC. 14. There is hereby appropriated in augmentation of Item 161 of the Budget Act of 1965 the amount of sixty-two thousand nine hundred eleven dollars ($62,911) for the purpose of administering this act.

CHAPTER 1894

An act to amend Section 69903 of, and to add Section 69903.1 to, the Government Code, relating to 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 69903 of the Government Code is amended to read:

69903. In any county with a population of less than 1,000,000 but more than 800,000 as determined by the 1960 federal census, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, his salary shall be not less than six hundred dollars ($600) per month nor more than one thousand six hundred seventy-five dollars ($1,675) per month, said salary to be fixed within said limits by a majority of the judges of the superior court of such county.

In such a county the court and secretary may have to assist them in the performance of their duties the following employees:

(a) Two legal research assistants, who shall be members of the bar, who shall receive a salary of not less than four hundred dollars ($400) nor more than eight hundred fifty dollars ($850) a month,

(b) One senior administrative assistant-deputy jury commissioner, who shall receive a salary of not less than three hundred dollars ($300) nor more than eight hundred dollars ($800) a month,

(c) One administrative assistant-deputy jury commissioner, who shall receive a salary of not less than three hundred dollars ($300) nor more than seven hundred dollars ($700) a month,

(d) Two senior clerk-deputy jury commissioners, who shall receive a salary of not less than three hundred dollars ($300) nor more than six hundred dollars ($600) a month,

(e) Four secretary-deputy jury commissioners, who shall receive a salary of not less than three hundred dollars ($300) nor more than five hundred fifty dollars ($550) a month,

(f) Two clerks, who shall receive a salary of not less than three hundred dollars ($300) nor more than five hundred dollar ($500) a month,

Such employees shall be appointed by the secretary with the approval of a majority of the judges of the superior court of such county. Each such position shall be exempt from civil service laws. The salaries of such persons shall be fixed by a majority of the judges of the superior court of such county. The salaries of such secretary and other employees of the superior court shall be paid by the county in which they serve.

SEC. 2. Section 69903.1 is added to said code, to read:

69903.1. In such county the superior court may appoint, with the approval of the board of supervisors, the following persons to assist the conciliation court in disposing of its business and carrying out its functions:

(a) One supervising conciliation counselor, who shall receive a salary of not less than one thousand dollars ($1,000) nor more than one thousand two hundred fifty dollars ($1,250) a month,

(b) Four deputy conciliation counselors, who shall receive a salary of not less than seven hundred fifty dollars ($750) nor more than one thousand one hundred dollars ($1,100) a month, and

(c) Five clerical positions which shall be in the classified civil service.

All such conciliation counselors shall be appointed by a majority of the judges with the approval of the board of supervisors, salaries to be set within the established ranges by the board of supervisors. Salaries of such clerical positions to be set by the board of supervisors within the salary range set forth in the civil service standards of said county.

CHAPTER 1895

An act to amend Sections 73971, 73972, 73973 and 73974 of the Government Code, relating to the Ontario Municipal Court.

[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 73971 of the Government Code is amended to read:

73971. There shall be two judges.

SEC. 2. Section 73972 of said code is amended to read:

73972. There shall be one clerk, who shall be the administrative officer of the court, and who may appoint one assistant clerk of the municipal court 1, two municipal court clerks, one municipal court clerk assistant, three senior clerks, two intermediate clerks and two clerks.

SEC. 3. Section 73973 of said code is amended to read:

73973. There shall be one marshal who shall receive a monthly salary of seven hundred forty-nine dollars ($749) and who may appoint three deputy marshals and one intermediate clerk and one clerk.

SEC. 4. Section 73974 of said code is amended to read:

73974. 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
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

Range No.	A	B	C	D	E
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 I	34.5
Assistant clerk of the municipal court I	28.5
Municipal court clerk	28
Municipal court clerk assistant	25
Senior clerk	24
Intermediate clerk	21
Clerk	19
Deputy marshal	28

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees may be increased or decreased within the 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 1896

An act to add Section 13651.5 to the Education Code, relating to the rights of classified school employees who exhaust all leave entitlement.

[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 13651.5 is added to the Education Code, to read:

13651.5. A permanent employee of the classified service who has exhausted all entitlement to sick leave, vacation, compensatory overtime, or other available paid leave and who is absent because of nonindustrial accident or illness may be granted additional leave, paid or unpaid, not to exceed six months. The board may renew the leave of absence, paid or unpaid, for two additional six-month periods or such lesser leave periods that it may provide but not to exceed a total of eighteen months.

An employee, upon ability to resume the duties of a position within the class to which he was assigned, may do so at any time during the leaves of absence granted under this section and time lost shall not be considered a break in service. He shall be restored to a position within the class to which he was assigned and, if at all possible, to his position with all the rights, benefits and burdens of a permanent employee.

If at the conclusion of all leaves of absence, paid or unpaid, the employee is still unable to assume the duties of his position, he shall be placed on a reemployment list for a period of 39 months.

At any time, during the prescribed 39 months, the employee is able to assume the duties of his position he shall be reemployed in the first vacancy in the classification of his previous assignment. His reemployment will take preference over all other applicants except for those laid off for lack of work or funds under Section 13737 of this code in which case he

shall be ranked according to his proper seniority. Upon resumption of his duties, the break in service will be disregarded and he shall be fully restored as a permanent employee.

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.

CHAPTER 1897

An act to amend Sections 930, 976.5, 977, 978, 980, 982, 983, 1027, 1052, 1260, 1261, 1277, 1280, 1281, 1585, 3552, and 3654 of, to repeal Section 979 of, and to add Sections 980.5, 981, 1027.1, 3654.1, and 3654.2 to, 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 930 of the Unemployment Insurance Code is amended to read:

930. "Wages" does not include remuneration in excess of the following amounts paid to an individual by an employer during any calendar year, with respect to employment:

(a) Four thousand one hundred dollars ($4,100) for the calendar year 1966.

(b) Three thousand eight hundred dollars ($3,800) for a calendar year subsequent to 1966 whenever the total revenues of the Unemployment Fund are equal to or exceed the total disbursements of the fund for the 12-month period ending on the computation date preceding January 1 of the calendar year.

(c) Four thousand one hundred dollars ($4,100) for a calendar year subsequent to 1966 whenever the total disbursements of the Unemployment Fund exceed the total revenues of the fund for the 12-month period ending on the computation date preceding January 1 of the calendar year.

(d) For the purpose of this section, the total revenues shall be subject to the exclusion of the amounts provided by Section 980, and the total disbursements shall be subject to the exclusion of the amounts provided by Section 980.5.

SEC. 2. Section 976 5 of said code is amended to read:

976.5. (a) In addition to other contributions required by this division, every employer, except an employer as defined by Sections 676, 677, or 678, and except as provided in subdivision (b) of this section, shall pay into the Unemployment Fund contributions at the following rate:

(1) For the calendar years 1966, 1967, and 1968 with respect to wages paid for employment at the rate of one percent (1%).

(2) For each calendar year after 1968, contributions shall be based upon the charges and credits to the balancing account during the 36-month period ending upon the computation date immediately preceding the beginning of the calendar year. If as of the computation date the charges to the balancing account are as a percentage of the credits to such account equal to or greater than the percentage in column 1 but less than the percentage in column 2, the rate shall be the figure appearing on the same line in column 3.

Line	Column 1	Column 2	Column 3
1	80%	No limitation	1 %
2	60%	80%	0.8%
3	40%	60%	0.6%
4	20%	40%	0.4%
5	0%	20%	0.2%

(b) In lieu of contributions required by subdivision (a) of this section, an employer, except an employer as defined by Sections 676, 677, or 678, whose reserve account has not been subject to benefit charges during the period of four complete consecutive calendar quarters ending on the computation date, or whose average base payroll has increased on a computation date 25 percent or more above his average base payroll on the preceding computation date, shall pay into the Unemployment Fund contributions at the following rate:

(1) For the calendar years 1966, 1967, and 1968 with respect to wages paid for employment at the rate of eight-tenths of one percent (0.8%).

(2) For each calendar year after 1968 with respect to wages paid for employment at the rate of two-tenths of one percent (0.2%) less than the rate applicable to other employers for the calendar year under subdivision (a) of this section but not less than two-tenths of one percent (0.2%).

(c) Subdivision (b) of this section shall not apply prior to the rating period of the calendar year 1971 to any employer whose reserve account has been canceled pursuant to Section 1027.1.

SEC. 3. Section 977 of said code is amended to read:

977. Whenever the balance in the Unemployment Fund on December 31st of any calendar year is less than 5 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates.

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in column 2 of that table,

his contribution rate shall be the figure appearing on that same line in column 3 of that table.

Line	Reserve balance Column 1	Column 2	Contribution rate Column 3
1	0.0%	4.0%	2.7%
2	4.0%	6.0%	2.6%
3	6.0%	7 0%	2.5%
4	7.0%	8.0%	2.2%
5	8.0%	9 0%	2.1%
6	9.0%	10.0%	2.0%
7	10.0%	11.0%	1.9%
8	11.0%	12.0%	1.7%
9	12.0%	13.0%	1.5%
10	13.0%	14.0%	1.3%
11	14.0%	15 0%	1.1%
12	15 0%	16 0%	1.0%
13	16.0%	17.0%	0.9%
14	17 0% or more		0.8%

SEC. 4. Section 978 of said code is amended to read:

978. Whenever the balance in the Unemployment Fund on December 31st of any calendar year equals or exceeds 5.0 percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates.

If, as of the computation date the employer's net balance of reserve equals or exceeds that percentage of his average base payroll which appears on any line in column 1 of the following table, but is less than that percentage of his average base payroll which appears on the same line in column 2 of that table, his contribution rate shall be the figure appearing on that same line in column 3 of that table.

Line	Reserve balance Column 1	Column 2	Contribution rate Column 3
1	0%	2.0%	2.7%
2	2 0%	4.0%	2 6%
3	4 0%	5.5%	2.4%
4	5.5%	7.0%	2.3%
5	7.0%	8 5%	2.2%
6	8.5%	10.0%	2.0%
7	10 0%	11.0%	1.8%
8	11 0%	12.0%	1.6%
9	12.0%	13.0%	1.4%
10	13.0%	14.0%	1.2%
11	14 0%	15 0%	1 0%
12	15.0%	16.0%	0.8%
13	16.0%	17.0%	0 6%

Line	Reserve balance Column 1	Column 2	Contribution rate Column 3
14	17.0%	18.0%	0.4%
15	18.0%	19.0%	0.2%
16	19.0%	100 % or more	0 0

SEC. 5. Section 979 of said code is repealed

SEC. 6. Section 980 of said code is amended to read:

980. In determining the balance in the Unemployment Fund for the purpose of Section 977 or 978, or in determining the total revenues for the purpose of Section 930, there shall be excluded:

(a) Any estimated or other contributions not legally due and payable with respect to the final calendar quarter of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter.

(b) Any amount credited to this state's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration other than for capital assets, whether or not such amount has been withdrawn from such fund.

(c) Any unexpended advance from the federal unemployment account in the Unemployment Trust Fund received in accordance with Section 323 of this division and Title XII of the Social Security Act as amended

(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. 6.5. 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 or 978 there shall be included, or in determining the total disbursements for the purpose of Section 930 there shall be excluded, 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. 6.7. Section 981 is added to said code, to read:

981. In determining wages in employment, for the purpose of Section 977 or 978, 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. 7. Section 982 of said code is amended to read:

982. No employer shall be eligible for a contribution rate of less than 2.7 percent for any rating period unless his reserve account has been subject to benefit charges during the period of 12 complete consecutive calendar quarters ending on the computation date for that rating period and he is qualified under Section 977 or 978.

SEC. 8. Section 983 of said code is amended to read:

983. (a) No employer's contribution rate shall be less than 2.7 percent for any rating period if he has failed:

(1) To file with the director on or before the date on which they become delinquent the contribution reports and worker earning reports required of employers under this part for periods ending on or before the computation date for such rating period.

(2) To pay within two months or within such further time as the director may fix after the computation date for such rating period all contributions, excluding interest and penalties, shown to be due on reports filed with the director for periods ending on or before such computation date.

(b) This section shall not apply in any case where the employer establishes to the satisfaction of the director that his failure to file or pay was not due to any intention to evade or avoid the provisions of this division.

SEC. 9. Section 1027 of said code is amended to read:

1027. The director shall maintain a balancing account.

(a) The balancing account shall be credited with:

(1) Contributions paid pursuant to Section 976.5.

(2) Positive balances in reserve accounts canceled pursuant to Section 1029.

(3) Other items of income not included in active employer reserve accounts.

(b) The balancing account shall be charged with:

(1) The amount of negative reserve balances accrued to the computation date for each year.

(2) Benefit payments not charged pursuant to Section 1032.

(3) Extended duration benefits paid pursuant to Part 3 (commencing with Section 3501) of this division.

(4) Other items of expense not included in active employer reserve accounts.

SEC. 10. Section 1027.1 is added to said code, to read:

1027.1. On the computation date in 1966, the portion of each negative reserve balance which has not previously been charged to the balancing account shall be transferred to that account and the employer's reserve account thereupon canceled. The computation on such date for calendar year 1967 shall be based upon the status of the employer's account prior to such transfer and cancellation subject to the requirements of Section 982. The computation for each calendar year beginning with calendar year 1968 shall be in accordance with the requirements of Section 982 and an employer whose reserve account has been canceled under this section shall be considered as first becoming a subject employer on July 1, 1966.

SEC. 11. Section 1052 of said code is amended to read:

1052. Upon receipt of the application the separate account, actual contribution and benefit experience and payrolls of the predecessor or that part thereof, as determined by authorized regulations, which pertains to the organization, trade, or business, or portion thereof acquired, shall be transferred to the successor employer for the purpose of determining its rate of contribution after such acquisition with the same effect for such purpose as if the operations of the predecessor had at all times been carried on by the successor. Such separate account shall be transferred by the director to the successor employer and, as of the date of the acquisition, shall become the separate account or part of the separate account, as the case may be, of the successor employer, and the benefits thereafter chargeable to the predecessor employer on account of employment relating to the transferred organization, trade, or business or transferred portion thereof prior to the date of the acquisition shall be charged to the separate account. This section shall not apply to any acquisition which is determined by the director to have been made solely or primarily for the purpose of obtaining a more favorable rate of contributions under Section 977 or 978.

SEC. 12. Section 1260 of said code is amended to read:

1260. (a) An individual disqualified under Section 1256, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits until he has performed service in bona fide employment for which he has received remuneration equal to or in excess of an amount, determined by multiplying the number of disqualifications imposed under Section 1256 by five times his weekly benefit amount, subsequent to:

(1) The week in which the cause of his first disqualification occurs, if he registers for work in that week.

(2) The week subsequent to the occurrence of the cause of his first disqualification in which he first registers for work, if he does not register for work in the week in which the cause of his disqualification occurs.

(b) An individual disqualified under subdivision (b) of Section 1257, under a determination transmitted to him by the department, is ineligible to receive unemployment com-

pensation benefits for not less than 2 nor more than 10 consecutive weeks beginning with:

(1) The week in which the cause of his disqualification occurs, if he registers for work in that week.

(2) The week subsequent to the occurrence of the cause of his qualification in which he first registers for work, if he does not register for work in the week in which the cause of his disqualification occurs.

(c) An individual disqualified under subdivision (b) of Section 1257 shall be required to report at a public employment office as provided in subdivision (b) of Section 1253 and an additional week of disqualification shall be imposed for each week during which he does not so report unless good cause for such failure is shown.

(d) An individual disqualified under subdivision (a) of Section 1257, under a determination transmitted to him by the department, is ineligible to receive unemployment compensation benefits for the week in which the determination is mailed to or personally served upon him, or any subsequent week, for which he is first otherwise in all respects eligible for unemployment compensation benefits and for not more than nine subsequent weeks for which he is otherwise in all respects eligible for unemployment compensation benefits. No disqualification under this subdivision shall be applied to any week if all or any portion of the week is beyond the three-year period next succeeding the date of the mailing or personal service of the determination. This subdivision shall not apply to an individual prosecuted under Section 2101.

(e) Notwithstanding the provisions of subdivision (d) of this section, an individual who is unemployed with respect to any week and is subject to a disqualification that is imposed under subdivision (b) of Section 1257 may, if he has registered for work for that week as required by subdivision (b) of Section 1253, concurrently serve with respect to that week a disqualification imposed under subdivision (a) of Section 1257.

SEC. 12.5. Section 1261 of said code is amended to read:

1261. When successive disqualifications under Section 1257 occur, the director may extend the period of ineligibility provided for in Section 1260 for an additional period not to exceed eight additional weeks.

SEC. 13. Section 1277 of said code is amended to read:

1277. Wages paid prior to the filing of a valid claim and not used in the computation of the award may be used for the purpose of computing the amount of any other award only if within the 12-month period following the date of the filing of the valid claim the individual was paid sufficient wages to meet the eligibility requirement under Section 1281. For the purpose of this section only the term "wages" includes any and all compensation for personal services performed as an employee for the purpose of meeting the eligibility requirement under Section 1281. This section is not applicable to the

computation of an award for disability benefits but the establishment of a valid claim for disability benefits shall not constitute a valid claim for unemployment compensation benefits unless the claimant has sufficient wages to entitle the claimant to an award under this section.

SEC. 14. Section 1280 of said code is amended to read:

1280. An individual's weekly benefit amount is the amount appearing in column B in the following table opposite that wage bracket in column A which contains the amount of wages paid to the individual for employment by employers during the quarter of his base period in which his wages were the highest.

A Amount of wages in highest quarter	B Weekly benefit amount
$180–$597.99	25
598.00– 625.99	26
626.00– 653.99	27
654.00– 681.99	28
682.00– 709.99	29
710.00– 737.99	30
738.00– 765.99	31
766 00– 793.99	32
794.00– 821.99	33
822.00– 849 99	34
850.00– 877.99	35
878.00– 905.99	36
906.00– 933.99	37
934 00– 961.99	38
962.00– 989.99	39
990.00–1,017 99	40
1,018.00–1,045.99	41
1,046.00–1,073.99	42
1,074.00–1,101.99	43
1,102.00–1,129.99	44
1,130.00–1,157.99	45
1,158 00–1,185.99	46
1,186.00–1,213.99	47
1,214.00–1,241 99	48
1,242.00–1,269.99	49
1,270.00–1,297.99	50
1,298.00–1,325 99	51
1,326 00–1,353.99	52
1,354.00–1,381.99	53
1,382.00–1,409.99	54
1,410 00–1,437.99	55
1,438.00–1,467 99	56
1,468.00–1,497.99	57
1,498.00–1,527.99	58
1,528 00–1,557.99	59
1,558.00–1,587.99	60
1,588.00–1,627.99	61

A Amount of wages in highest quarter	B Weekly benefit amount
1,628.00–1,667.99	62
1,668.00–1,707.99	63
1,708.00–1,747.99	64
1,748.00 and over	65

SEC. 15. Section 1281 of said code is amended to read:

1281. (a) An individual cannot establish a valid claim or a benefit year during which any benefits are payable unless he has during his base period been paid wages for employment by employers of not less than seven hundred twenty dollars ($720).

(b) The maximum amount of unemployment compensation benefits payable to an individual during any one benefit year 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).

(c) For the purpose of this section and Section 1280, "wages" includes wages due to any individual but unpaid within the time limit provided by law.

SEC. 16. Section 1585 of said code is amended to read:

1585. The Department of Employment Contingent Fund is continued in existence as a special fund in the State Treasury. There shall be deposited in or transferred to this fund:

(a) All interest on contributions collected under this division.

(b) All penalties collected under this division, except as provided in Sections 1958 and 3654.1.

(c) Rental payments or proceeds attributable to property derived from amounts expended from this fund.

(d) Interest on amounts expended from this fund.

SEC. 17. Section 3552 of said code is amended to read:

3552. An unemployed individual is eligible to receive extended duration benefits with respect to any week only if the director finds that:

(a) An extended duration award has been established for him.

(b) The week is within the extended duration period of the award.

(c) He meets the eligibility requirements of Part 1 of this division, except those excluded under subdivision (b) of Section 3502.

(d) He is not subject to disqualification, and is not under disqualification for normal benefits, under any provision of Part 1 of this division.

(e) He has (i) during his base period been paid wages for employment by employers of not less than twenty dollars ($20) in at least 20 of the calendar weeks ending in the base period

for his parent benefit year, or (ii) during his base period been paid such wages of not less than twenty dollars ($20) in at least 15 of the calendar weeks ending in the base period for his parent benefit year, and in the four quarters immediately preceding the beginning of that base period been paid such wages of not less than twenty dollars ($20) in at least 20 of the calendar weeks ending in such period, or (iii) during the period subsequent to the end of his base period and prior to the effective date of a valid primary claim for extended duration benefits been paid such wages of not less than twenty dollars ($20) in at least twenty (20) of the calendar weeks ending in such period.

For the purpose of this third alternative only the term "wages" includes any and all compensation for personal services performed as an employee for the purposes of meeting this eligibility requirement.

The requirements of this subdivision (e) shall not apply if the effective date of a valid primary claim is within an extended duration month for which the extension ratio is 115 percent or more of the average of the extension ratios for the previous 24 months. Any weeks included in a determination of eligibility for extended duration benefits shall not be used in a subsequent determination of eligibility for such benefits.

For the purpose of this section "wages" includes wages due to an individual but unpaid within the time limit provided by law.

SEC. 18. Section 3654 of said code is amended to read:

3654. A notice of the filing of a primary claim or an additional claim shall be given to the employing unit by which the exhaustee was last employed immediately preceding the filing of such claim. The employing unit so notified shall submit within 10 days after the mailing of such notice any facts then known which may affect the exhaustee's eligibility for extended duration benefits, and any wage and employment information as is reasonably available if necessary to make a determination as to eligibility as requested by the director pursuant to authorized regulations In addition, if necessary to make a determination as to eligibility, at the direction of the director such requests for wage and employment information may be given to each base period employer, to each employing unit subsequent to the end of his base period and prior to the effective date of a valid primary claim for extended duration benefits, and to each employing unit in the four quarters immediately preceding the beginning of his base period. The employing unit so notified shall submit such information as is reasonably available to the director within 10 days. Any 10-day period prescribed under this section may be extended for good cause. If after such 10-day period the employing unit acquires knowledge of facts which may affect the eligibility of the exhaustee and such facts could not reasonably have been known within the period, the employing

unit shall within 10 days of acquiring such knowledge submit such facts to the department.

SEC. 19. Section 3654.1 is added to said code, to read:

3654.1. Any employing unit who fails to furnish wage information requested by the director pursuant to Section 3654 shall be subject to a penalty of ten dollars ($10) for each such report not submitted. The director shall assess the penalty and the provisions of Part 1 (commencing with Section 100) of this division with respect to assessments, refunds, and collections shall apply. Penalties collected under this section shall be deposited in the Unemployment Fund.

SEC. 20. Section 3654.2 is added to said code, to read:

3654.2. If any employing unit fails to respond to a request for wage information within the period prescribed by Section 3654, the director shall make a determination based upon available information.

SEC. 21. The effective date of Sections 1, 2, 3, 4, 5, 6, 6.5, 6.7, 7, 8, 9, 10, and 11 of this act shall be January 1, 1966, except that Section 2 of this act with respect solely to the references to Sections 677 and 678 of the Unemployment Insurance Code shall be operative only if said Section 677 or 678, respectively, is added by the passage of Assembly Bill No. 36 or Assembly Bill No. 195 at the 1965 Regular Session. The provisions of the Unemployment Insurance Code as they existed prior to amendment or repeal by said sections shall continue to remain applicable to contributions to be paid for the calendar year, 1965. The provisions of the Unemployment Insurance Code as they are amended and added by said sections shall take effect beginning with the rating period of the calendar year, 1966, and shall not be applicable to any prior rating period.

SEC 22. The provisions of Sections 1260 and 1261 of the Unemployment Insurance Code as amended by this act shall apply to any individual where the occurrence of the cause of the disqualification is on or after the effective date of this act. The provisions of Sections 1260 and 1261 of said code as in effect prior to the amendment made by this act shall remain applicable and are continued in effect with respect to any individual where the occurrence of the cause of disqualification is prior to the effective date of this act.

SEC. 23. The provisions of Section 1277 of the Unemployment Insurance Code as amended by this act shall apply to new claims filed with an effective date beginning on or after the effective date of this act. The provisions of Section 1277 of said code as in effect prior to the amendment made by this act shall remain applicable to new claims filed with an effective date beginning prior to the effective date of this act.

SEC. 24. The provisions of Sections 1280 and 1281 of the Unemployment Insurance Code as amended by this act shall apply to new claims filed with an effective date beginning on or after October 1, 1965. The provisions of Sections 1280 and 1281 of said code as in effect prior to the amendments made by this

act shall remain applicable to new claims filed with an effective date beginning prior to October 1, 1965.

SEC. 25. Sections 16, 17, 18, 19 and 20 as amended and added to the Unemployment Insurance Code by this act shall apply to primary claims filed with an effective date beginning on or after January 1, 1967. The provisions of the Unemployment Insurance Code as in effect prior to the amendments made by said sections shall remain applicable to primary claims filed with an effective date beginning before January 1, 1967.

SEC. 26. 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 1898

An act to amend Section 1606 of, to repeal Article 3 (commencing with Section 3161) of Chapter 10 of Division 5 of, and to add Article 3 (commencing with Section 3161) of Chapter 10 of Division 5 to, the Education Code, relating to school district organization.

[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 1606 of the Education Code is amended to read:

1606. "County committee" means the county committee on school district organization or a county board of education acting pursuant to the powers provided for in Section 3161.

SEC. 2. Article 3 (commencing with Section 3161) of Chapter 10 of Division 5 of said code is repealed.

SEC. 3 Article 3 (commencing with Section 3161) is added to Chapter 10 of Division 5 of said code, to read:

Article 3. County Administration of District Organization

3161. Upon order of the State Board of Education the county board of education of a county succeeds to and is vested with all duties, powers, purposes, responsibilities and jurisdiction vested in the county committee on school district organization in the county.

3162. Wherever in this division the phrases or terms "county committee on school district organization," "county committee," or "committee" or their variants are used, such terms shall be construed to refer to and mean a county board of education which has been ordered to act as a county committee on school district organization pursuant to Section 3161.

3163. Upon petition by a county committee of school district organization of a county or of the county board of education of such county, the State Board of Education may order that the county board of education act as a county committee of school district organization pursuant to Section 3161. Within 90 days after receiving the petition the State Board of Education shall approve or reject the petition, and issue an appropriate order thereon.

SEC. 4. This act shall become operative on July 1, 1966, and any sections of the Education Code otherwise amended or repealed by this act shall remain in effect until July 1, 1966.

CHAPTER 1899

An act to add Part 4 (commencing with Section 40000) to Division 10 of the Public Utilities Code, to provide for the creation of the Orange County Transit District, prescribing the powers and duties thereof.

[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. Part 4 (commencing with Section 40000) is added to Division 10 of the Public Utilities Code, to read:

PART 4. ORANGE COUNTY TRANSIT DISTRICT

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

40000. This part shall be known and cited as the "Orange County Transit District Act of 1965."

40001. Unless the context otherwise requires, the provisions of this article govern the construction of this part.

40002. "District" means the Orange County Transit District formed under this part.

40003. "Board" means the board of directors of this district.

40004. "Voter" means any elector who is registered under the Elections Code.

40005. "Transit" means the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual passenger fare-paying basis. Nothing in this section shall be construed to prohibit the district from leasing its buses to private certified public carriers or to prohibit the district from providing schoolbus service for the transportation of pupils between their homes and schools.

40006. "Transit works" or "transit facilities" means all real and personal property, equipment, rights, or interests owned or to be acquired by the district for transit service.

Article 2. General Provisions

40010. It is necessary that a transit district be established in Orange County in order to provide an interim solution to the transit problem of this area pending inclusion, if at all, of Orange County into the Southern California Rapid Transit District. The problem is unique in that presently there are several existing transportation facilities serving various parts of the area but independently operated, without interchange of transportation services, and without possibility of merger. The geographic location of the area requiring transportation services makes it necessary to develop a single transit system to protect the public interest.

It shall be the ultimate purpose of the Orange County Transit District to establish, when financing therefor becomes feasible, a permanent rapid transit system designed to be part of a unified Los Angeles-Orange County areawide regional system. When such permanent system is planned it shall incorporate physical characteristics necessary for full compatibility with the system of the Southern California Rapid Transit District, and unified management of the operations of such an areawide system shall be provided. Such unified management may be provided by management or operating contract with, or by annexation of the Orange County Transit District to, the Southern California Rapid Transit District or by any other lawful means; and shall take into full account the financial burdens already assumed by the citizens of the area comprising the Los Angeles Rapid Transit District to establish its system, which should be recognized in the operation of the unified system. The share of such financial burdens to be assumed by the Orange County Transit District, determined by its board by agreement with the board of the Southern California Rapid Transit District to be in the best mutual interest of the citizens of the two districts, may be made payable out of bond proceeds (subject to authorization of the bonds at an election), tax levies or any other available funds and may be made payable at such times and upon such rate of interest and other terms as shall be agreed between the boards of the two districts.

40011. The Orange County Transit District may be created as provided in this part and when so created may exercise the powers herein granted.

40012. Except as otherwise provided in this part elections shall be held and conducted and the result ascertained, determined, and declared in all respects as nearly as practicable in conformity with the general election laws of the state.

40013. Except as otherwise provided in this part all ordinances and notices which are required to be published shall

be published within the district pursuant to Section 6066 of the Government Code.

40014. Whenever the signature of any officer or employee of a district or of any member of the retirement board or of any officer or employee of the retirement system is authorized or required under the provisions of this part, except in the single instance provided in Section 40243, the signature may be made by the use of a plate bearing facsimilies of such signatures.

40015. A citizens advisory committee may be appointed as provided in this section. The members shall serve without compensation but shall receive necessary expenses incurred in the performance of their advisory duties The committee shall advise the Board of Supervisors of the County of Orange on matters relating to the Orange County Transit District. The committee may be appointed prior to the formation of the district to advise the board of supervisors on matters relating to the formation of the district.

The membership of the committee shall be made up of members appointed as follows: The Board of Supervisors of the County of Orange may appoint five members, the League of California Cities may appoint six members, each Congressman from a district within the County of Orange may appoint one member, each State Senator from a district within the County of Orange may appoint one member, and each Assemblyman from a district within the County of Orange may appoint one member. Each committee member shall serve at the pleasure of the body or person that appointed him.

CHAPTER 2. FORMATION OF DISTRICT

Article 1 General Provisions

40020. The County of Orange may organize and incorporate the Orange County Transit District.

40021. The request for the formation of the Orange County Transit District may be made by resolution or by petition as set out in this chapter.

40022. The district may include incorporated and unincorporated territory within the County of Orange

Article 2 Request by Resolution

40025 The Board of Supervisors of the County of Orange may pass a resolution declaring that in its opinion public interest or necessity demands the creation and maintenance of the Orange County Transit District.

40026 The resolution may state the transit facilities proposed to be first acquired, but failure to acquire such transit facilities shall not affect the validity of the district.

Article 3. Request by Petition

40030. Instead of a resolution, a petition may be presented to the board of supervisors signed by voters within Orange County equal in number to at least 25 percent of the total vote cast at the last general election.

40031. The petition shall contain substantially the same declarations and statements required to be contained in the resolution adopted by the board of supervisors under this chapter and declare that, in the opinion of the petitioners, public interest or necessity demands the creation and maintenance of the transit district.

40032. The petition may be on separate papers, but each paper shall contain the affidavit of the person who circulated it certifying that each name signed thereto is a true signature of the person whose name it purports to be.

40033. The County Clerk of the County of Orange shall compare the signatures to the petition with the affidavits of registration and certify to their sufficiency or insufficiency.

Article 3.5. Request by Petition of Cities

40034 Instead of a resolution or a petition signed by voters within Orange County, a petition expressed by the adoption of resolutions by the city councils of any two or more cities within the proposed boundaries of the district may be presented to the board of supervisors.

40035. The petition shall contain substantially the same declaration and statements required to be contained in the resolution adopted by the board of supervisors under this chapter and declare that, in the opinion of the city councils as petitioners, public interest or necessity demands the creation and maintenance of the transit district.

Article 4. Election

40035. Upon adoption of the resolution or of a sufficient petition, the board of supervisors shall hold a hearing on the question of forming an Orange County Transit District. All interested persons shall be given an opportunity to express their views at the hearing.

40036. The board of supervisors shall have the power to exclude areas which in the board's determination would not receive reasonable benefit from inclusion in the district. Incorporated areas shall not be divided but shall be as a whole either included or excluded from the district. The board of supervisors shall not have the power to exclude from the district any petitioning cities where the request for the formation of the district is by petition of two or more cities

40037. After the conclusion of the hearing, the board of supervisors shall in case of initiation by petition of voters or cities and may in case of initiation by resolution call an elec-

tion within the proposed district for the purpose of determining whether the proposed district will be created and established.

40038. The board of supervisors shall publish notice of the election within the proposed district.

40039. The notice shall state the name of the proposed district, and describe the boundaries thereof.

40040. 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 "Orange County Transit District" be created and established?	YES	
	NO	

40041. No person shall be entitled to vote at the election unless he is a voter of the territory included in the proposed district.

40042. The election may be held on the same day as any other state, county, or city election, and be consolidated therewith.

40043. The board of supervisors shall meet on the Tuesday next succeeding the day of the election and canvass the returns.

40044. The board of supervisors shall make all provisions for the holding of the election throughout the district as proposed, and the cost of said election shall be a charge against the general funds of the county.

Article 5. Establishment of the District

40050. If a majority of the electors voting on the proposition vote in favor of the creation and establishment of the district, the board of supervisors shall cause a certified copy of the order declaring the result of the election to be filed in the office of the Secretary of State, from and after which the establishment of the district shall be deemed complete.

Article 6. Contest of Incorporation

40055. No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of the district. Any proceedings wherein the validity of incorporation is denied shall be commenced within three months from the date of filing the order declaring the result of the election with the Secretary of State, otherwise the incorporation and the legal existence of the district shall be held to be valid and in every respect legal and incontestable.

Chapter 3. Internal Organization of District

Article 1. Government

40060. The district shall be governed by a board of directors consisting of five members. The board of supervisors shall select two members of the board of supervisors to be members of the board of directors of the district. Where initiation is by resolution or petition of voters, two members of the board of directors of the district shall be selected by all cities within the district acting jointly. Where initiation is by petition of cities, two members of the board of directors of the district shall be selected by the petitioning cities acting jointly. The fifth member of the board of directors of the district shall be selected by the four members of the board otherwise selected in accordance with the provisions of this section.

40061. The board of directors shall select one of its members as chairman.

40062. The county auditor shall be ex officio auditor of the district, the county tax collector-treasurer shall be ex officio tax collector-treasurer of the district and the county clerk shall be the ex officio clerk of the district.

Article 2. Powers and Duties of Directors

40070. The chairman is the presiding officer of the board and he shall vote on the propositions passed upon by the board.

40071. The first meeting of the board shall be held within 10 days after the board of supervisors certifies the results of the election to the Secretary of State pursuant to Section 40050. The board may make its own rules of procedure and determine the place and time of its meeting.

40072. The board shall select one of its members vice chairman, who shall preside in the absence of its chairman. The board shall provide for and select such officers as it deems necessary to conduct the affairs of the district.

40073. All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this part shall be provided for by the board.

40074. The board shall supervise and regulate every transit facility owned and operated by the district, including the fixing of rates, rentals, charges and classifications, and the making and enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any transit facility owned or controlled by the district.

40075. The board may either operate the transit system itself or a part thereof or it may contract with any other public or private agency or corporation to operate all or part of the transit system for the district or it may contract with any other public or private agency or corporation for the improvement in transit services, facilities, equipment or operations being operated and conducted by said agency or corporation in, and, or, out of, the district.

40076. _____ County Ordinance ___ (Merit System Ordinance) as amended or hereafter amended shall be applicable to all personnel of the district, except to the extent the provisions of such ordinance are in conflict with the provisions of Chapter 4 (commencing with Section 40120) of this part.

40077. The board may from time to time contract for or employ any professional service required by the district or for the performance of work or services which cannot satisfactorily be performed by the regular employees of the district.

40078. The auditor shall provide the board with an annual audit of all books and accounts of the district.

40079. Payment of demands against the district and disbursement of district funds shall be in the manner provided for demands against a county and disbursements of funds of a county.

40080. None of the territory which is within the district shall be annexed to any other transit district unless the board, by resolution, approves the annexation of such territory to such other transit district.

Article 3. Meetings and Legislation

40085. All meetings of the board shall be conducted in a manner prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code.

40086. A majority of the board constitutes a quorum for the transaction of business.

40087. The board shall establish rules for its proceedings and board members shall be allowed necessary traveling and personal expenses incurred in performance of duties authorized by the board.

40088. The acts of the board shall be expressed by motion, resolution or ordinance. No ordinance, resolution or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors. District ordinances shall be adopted in the same manner as provided for adoption of ordinances by a county.

40089. The enacting clause of all ordinances shall be as follows: "Be it ordained by the board of directors of the Orange County Transit District." All ordinances shall be signed by the chairman or vice chairman of the board and attested by the clerk.

Article 4. Other Officers

40095. The board may appoint and fix the salary of a general manager who shall have full charge of the acquisition, construction, maintenance and operation of the facilities of the district, and also of the administration of the business affairs of the district.

CHAPTER 4. LABOR PROVISIONS

40120. Whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the district, upon determining as provided in Section 40122 that such labor organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of such employees governing wages, salaries, hours and working conditions. In case of a dispute over wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the district and the labor organization, upon the request of either, the district and the labor organization may submit said dispute to the decision of the majority of an arbitration board, and the decision of the majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the district, and two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own costs.

In the event the board and the representatives of the employees do not agree to submit said dispute to an arbitration board as herein provided, the State Conciliation Service may be notified by either party that a dispute exists and that there is no agreement to arbitrate. Said service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists; upon such determination the service shall certify its findings to the Governor of the State of California who shall, within 10 days of receipt of certification appoint a factfinding commission consisting of three persons which shall immediately convene and inquire into and investigate the issues involved in the dispute. Said commission shall report to the Governor within 30 days of the date of its creation.

After the creation of such commission and for 30 days after such commission has made its report to the Governor, no change, except by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose and service to the public shall be provided.

40121. No contract or agreement shall be made with any labor organization, association, group, or individual, or be assumed under the provisions of this section, where such organization, association, group, or individual denies membership to or in any manner discriminates against any employee on the grounds of race, creed, color or sex; provided, that such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence. The district shall not discriminate in regard to employment against any person because of his race, creed, or color.

40122. If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing after due notice to all interested parties and shall thereupon determine the unit appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions, the conduct of hearings and elections, the State Conciliation Service shall be guided by relevant federal law and administrative practice, developed under the Labor-Management Relations Act, 1947, as presently amended.

The State Conciliation Service shall provide for an election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later; provided, that no collective bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

40123. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the district shall assume and observe all existing labor contracts. To the extent necessary for operation of facilities, all of the employees of such acquired public utility whose duties pertain to the facilities acquired shall be appointed to comparable positions in the district without examination, subject to all the rights and benefits of this part, and these employees shall be given sick leave, seniority, vacation and pension credits in accordance with the records and labor agreements of the acquired public utility. Members and beneficiaries of any pension or retirement system or other benefits established by that public utility shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system. No employee of any acquired public utility shall suffer any

worsening of his wages, seniority, pension, vacation or other benefits by reason of the acquisition.

The district may extend the benefits of this section to officers or supervisory employees of the acquired utility.

40124. Except as otherwise provided in Chapter 6.5 (commencing with Section 40221) of this part, the district shall not acquire any existing system or part thereof whether by purchase, lease, condemnation, or otherwise. The district shall not dispose of or lease to any transit system or part thereof, nor merge, consolidate or coordinate any transit system or part thereof, or reduce or limit the lines or service of any existing system or of its system, or terminate any lease arrangement or management contract, unless it shall first give notice of such contemplated action to the collective bargaining agent of the employees who are or may be affected thereby. The terms and conditions of employment affected by such action shall be a proper subject of collective bargaining.

40125. Notwithstanding the provisions of the Government Code, employees of this district may authorize and, upon such authorization, the district may make deductions from wages and salaries of such employees:

(1) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(2) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.

(3) For any purpose for which deductions may be authorized by employees of any private employer.

40126. The obligation of the district to bargain in good faith with a duly designated or certified labor organization and to execute a written collective bargaining agreement with such labor organization covering the wages, hours and working conditions of the employees represented by such labor organization in an appropriate unit, and to comply with the terms thereof shall not be limited or restricted by the provisions of the Government Code or other laws or statutes and the obligation of the district to bargain collectively shall extend to all subjects of collective bargaining which are or may be proper subjects of collective bargaining with a private employer, including retroactive provisions. Notwithstanding the provisions of the Government Code or other laws or statutes, the district shall make deductions from wages and salaries of its employees upon receipt of authorization therefor for the payment of union dues, fees or assessments, for the payment of contributions pursuant to any health and welfare plan or pension plan or for any other purpose for which deductions may be authorized by employees of any private employer, where such deductions are pursuant to a collective bargaining agreement with a duly designated or certified labor organization.

40127. The district may provide for a retirement system; provided, that the adoption, terms and conditions of any re-

tirement system covering employees of the district represented by a labor organization in accordance with this section shall be pursuant to a collective bargaining agreement between such labor organization and the district.

40128. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under Title II of the Federal Social Security Act, as amended, and the related provisions of the Federal Insurance Contributions Act, as amended.

40129. The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the Workmen's Compensation, Unemployment Compensation Disability and Unemployment Insurance Laws of the State of California.

CHAPTER 5. RETIREMENT SYSTEM

40130. The Orange County Employees Retirement System and the laws relating thereto or as hereafter amended shall be applicable to the officers and employees of the district, except as otherwise provided in Chapter 4 (commencing with Section 40120) of this part.

CHAPTER 6. POWERS AND FUNCTIONS OF DISTRICT

Article 1. Corporate Power

40160. The district has perpetual succession and may adopt a seal and alter it at its pleasure.

40161. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

40162. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property within the boundaries of the district for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the district has all the rights, powers and privileges of a county and all rights, powers and privileges conferred in this part. The district shall proceed in the name of the district in condemnation proceedings. The district in exercising such power shall, in addition to the damage for the taking, injury or destruction of property, also pay the cost of removal, reconstruction or relocation of any structure, railway, mains, pipes, conduits, cables or poles of any public utility which is required to be moved to a new location. Notwithstanding any other provision of this part or any other law, no property in public use shall be taken by the district except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated.

No such taking or acquisition by the district which would involve the abandonment, removal, relocation, or use of property of a railroad corporation, as defined in Section 230 of this code, shall be permitted, unless the Public Utilities Commission, after hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation, or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical, and efficient service.

Article 2. Contracts

40165. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and hold harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this part.

40166. No officer or employee of the district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom contrary to the provisions of Article 4 (commencing with Section 1090), Chapter 1, Division 4, Title 1 of the Government Code.

Article 3. Purchases

40170. The purchase of all supplies, equipment and materials, and construction of facilities and works, shall be done in the same manner, procedure and subject to the same limitations applicable to the County of Orange by state law and by county ordinance, and as the same may hereafter be amended.

Article 4. Property

40175. The district may take by grant, purchase, gift, devise or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within or without the district when in its judgment it is for the best interests of the district so to do.

40176. Exercise of the powers provided under Section 40175 shall be undertaken in the same manner and pursuant to the same procedures as in the exercise of like powers by the County of Orange, except as may otherwise be expressly provided in this part.

Article 5. Transit Facilities and Service

40180. The district may acquire, construct, own, operate, control or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals and any and all other facilities necessary or convenient for transit service within or partly without the district underground, upon or above the ground and under, upon or over public streets or other public ways, or waterways, together with all physical structures necessary or convenient for the access of persons or vehicles thereto and may acquire any interest in or rights to the joint use of any or all of the foregoing; provided that:

(a) Installations in state freeways shall be subject to the approval of the State Department of Public Works and installations in other state highways shall be subject to Article 2 (commencing with Section 670), Chapter 3, Division 1 of the Streets and Highways Code.

(b) Installations in city streets, parks, or other property devoted to municipal use, shall be subject to the approval of the city council having jurisdiction thereof.

The district may acquire, contract and negotiate for the services of any and all employees of any public or private agency or corporation operating transit facilities within the district.

40181. The district may without limitation by any other provisions of this part requiring approval of indebtedness, accept contributions of money, rights-of-way, labor, materials, and any other property for the acquisition, construction, maintenance, and operation of transit facilities, and may without limitation by any other provisions of this part enter into any contracts and cooperation with and accept cooperation from the state, or any department, instrumentality, or agency thereof, or any public agency in the acquisition, construction, maintenance, and operation of, and in financing the acquisition, construction, maintenance, and operation of, any such transit facilities.

40183. The district may lease or contract for the use of its transit facilities, or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator" as used in this section means any city or public agency or any person, firm or private corporation.

40184. The district may construct and operate or acquire and operate works and facilities in, under, upon, over, across, or along any street or public highway or any stream, bay or watercourse, or over any of the lands which are the property of the state, to the same extent that such rights and privileges appertaining thereto are granted to municipalities within the state, and to install adequate bus stops, including the painting of curbs, subject to the governing body in charge of such streets, highways, stream, watercourse or lands.

40185. The district may enter into agreements for the joint use of any property and rights by the district and any city, public agency or public utility operating transit facilities; may enter into agreements with any city, public agency or public utility operating any transit facilities, either wholly or partially within, or without, the district, for the joint use of any property of the district or of such city, public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements.

40186. The rates and charges for service furnished pursuant to this part shall be fixed by the board and shall be reasonable.

40187. The district shall be subject to the provisions of Division 14.8 (commencing with Section 34500) of the Vehicle Code with respect to the operation of buses and to the rules and regulations prescribed by the Department of the California Highway Patrol pursuant to that chapter regulating the safe operation of buses.

Article 6. Indebtedness

40200. The district shall have the power to obtain temporary transfers of funds in accordance with the last paragraph of Section 31, Article IV of the State Constitution.

40201. The district may accept, without limitation by any other provisions of this part requiring approval of indebtedness, contributions or loans from the United States, this state, or any department, instrumentality, or agency of either thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, the United States, this state, or any department, instrumentality, or agency of either thereof, in the acquisition, construction, maintenance, and operation, and in financing the acquisition, construction, maintenance, and operation of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or this state in the acquisition, construction, maintenance, and operation or in financing the acquisition, construction, maintenance and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

Article 7. Taxation

40210. The district may levy, and collect or cause to be collected, taxes for any lawful purpose subject to a maximum

limit of five cents ($0 05) per one hundred dollars ($100) of assessed valuation within the district.

40211. If, in the opinion of the board, the transit operation revenues will not be sufficient for any and all lawful purposes the board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation.

40212. The board shall, as part of the general tax levy as set forth in Section 40210, levy and collect annually until the district's bonds are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner aforesaid, sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity.

40213. The board may provide for the assessment, levy, and collection of taxes by the district, including the sale of property to the district for delinquent taxes, with penalties, interest, and cost.

40214. The board shall avail itself of the assessments made by the assessor of the county and of the assessments made by the State Board of Equalization for the county and shall take such assessments as the basis for district taxation and have its taxes collected by the tax collector of the county.

40215. In such case the county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in Section 40214 as equalized.

40216. The board shall on or before the first day of September fix the rate of taxes, designating the number of cents upon each one hundred dollars ($100) using as a basis the value of property transmitted to the board by the county auditor, which rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed but the rate of taxation shall not exceed the limit imposed by this article.

40217. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditor of the county a statement of the rate of taxes fixed by the board.

40218. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the

general requirements and penalties provided by law for the settlement of other taxes.

40219 Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold.

40220. All taxes levied under this part are a lien on the property on which they are levied. The enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this part so far as applicable.

CHAPTER 6.5. EXISTING SYSTEMS

40221. As used in this chapter:

(a) "Establish" includes establish, construct, complete, acquire, extend, or reroute. It does not, however, include the maintenance and operation of any existing system acquired by the district.

(b) "Existing system" means any transit service or system of a publicly or privately owned public utility situated entirely within Orange County, or at least 75 percent of whose revenue vehicle miles for the preceding calendar year were operated within Orange County.

40222. Notwithstanding any other provision of this part, before the district may establish any transit service or system which may at any time divert, lessen, or compete for the patronage or revenues of any existing system, the district shall give a written notice to the public utility which is operating the existing system. The written notice shall describe the transit service or system which the district proposes to establish and shall state the time within which the district proposes to establish such service or system.

40222.5. The district shall not establish the proposed service or system, or maintain and operate the service or system until it has completed the purchase of the existing system or any part thereof.

40223. The purchase price to be paid for the existing system, or any portion thereof to be purchased, shall be the reproduction cost new, including going concern value, at the date upon which the district commences negotiations for the purchase of the existing system, or the portion of the existing system, less depreciation, including wear, tear and obsolescence, if any. The purchase price shall not, however, in any event be less than the average annual gross revenue, less charter and contract revenue, for the preceding three calendar years of the existing system. Should the district determine that it is necessary to enter the area of transporting school

pupils, then that portion of the contract revenues shall be included.

40223.5. The district and the public utility operating the existing system may agree upon the purchase price or they may agree that the purchase price is to be established by arbitration and upon the method of naming arbitrators and the method of conducting such arbitration. If they do not, the purchase price may be fixed and judgment entered thereon in a suit brought either by the public utility or the district in the superior court in and for the county in which is located that portion of the existing system to be acquired by the district which has the highest value.

40224. Section 851 of the Public Utilities Code does not apply to any contract for sale or sale of an existing system, or any portion thereof, pursuant to this chapter, and the Public Utilities Commission shall have no jurisdiction with respect thereto.

CHAPTER 7. BONDS

Article 1. Issuance

40225. The district may from time to time incur a bonded indebtedness as provided in this chapter to pay the cost of acquiring, constructing or completing the whole or any portion of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district. The total amount of bonds issued and outstanding shall not exceed twenty percent (20%) of the assessed value of the taxable property of the district as shown by the last equalized assessment roll of the County of Orange.

40226. Whenever the board by resolution passed by vote of two-thirds of all its members determines that the public interest or necessity demands the acquisition, construction, or completion by the district of any transit facilities or any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, it may at any subsequent meeting of the board provide by ordinance for the submission of the proposition of incurring a bonded indebtedness for the purpose set forth in the resolution to the voters of the district at a special bond election held for that purpose.

40231. The ordinance calling a special bond election shall fix the date on which the election will be held, and the manner of holding the election and of voting for or against incurring the indebtedness. It shall also recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the transit facilities, works, lands, structures, rights, equipment, or other property proposed to be acquired, constructed, or completed, the amount of the principal of the

indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness, which shall not exceed 6 percent per annum, payable semiannually or annually the first year and thereafter semiannually.

40232. Propositions for incurring indebtedness for more than one object or purpose may be submitted at the same election.

40233. Any special bond election may be held separately, or may be consolidated with any other election authorized by law at which the voters of the district may vote. If a special bond election is consolidated with any other election, the provisions of this chapter setting forth the procedure for the calling and holding of the special bond election shall be complied with, except that the ordinance calling the election need not set forth the election precincts, polling places, and officers of election, but may provide that the precincts, polling places, and officers of election shall be the same as those set forth in the ordinance, notice, or other proceedings calling the election with which the special bond election is consolidated, and shall refer to the ordinance, notice, or other proceedings by number and title, or by other definite description.

40234. The ordinance shall be published, and no other notice of election need be given.

40235. The board shall comply with the provisions of Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article.

40236. The votes of sixty percent (60%) of all voters voting on the proposition at the election are required to authorize the issuance of bonds under this chapter.

40237. If the proposition submitted at a special bond election fails to receive the requisite number of votes, the board shall not within six months after the election hold another special election for the submission of a proposition of incurring a bonded indebtedness substantially the same as the proposition voted upon at the prior election unless a petition signed by voters within the district equal in number to at least 15 percent of the total vote cast at the last general statewide election is filed with the board, requesting that the proposition, or a proposition substantially the same, be submitted at an election to be called for that purpose.

Article 2. Form and Content

40240. Bonds authorized by this chapter shall mature serially in amounts to be fixed by the board; except that payment shall begin not later than 10 years from the date thereof and shall be completed in not more than 50 years from that date.

The board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the

bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series, and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

Pending the actual issuance or delivery of bonds, a district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definite bonds when ready for delivery.

40241. The bonds shall be issued in such denominations as the board determines, except that no bonds shall be issued of a denomination less than one thousand dollars ($1,000) and shall be payable on the day and at the place or places fixed in the bond, and with interest at the rate specified therein, payable semiannually.

40242. The board may at any time prior to the issuance and sale of any bonds provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity at not exceeding the par value and accrued interest plus a premium of not exceeding 5 percent upon the principal amount of the bonds, in which event the call price fixed by the board shall be set forth on the face of the bond. Notice of such redemption shall be published. If there is no newspaper of general circulation printed and published within the district, then the publication shall be made in a newspaper of general circulation printed and published within the county in which the district or any part thereof is situated. The first publication shall be at least 30 days prior to the date fixed for the redemption. After the date fixed for such redemption interest on the bonds thereafter shall cease.

40243. The bonds shall be signed by the chairman of the board or by such officer of the district as the board shall by resolution authorize and designate for that purpose. They shall also be signed by the treasurer, and be countersigned by the auditor. The coupons of the bonds shall be numbered consecutively and be signed by the treasurer. All signatures and countersignatures, except one of the signatures or countersignatures on the bonds, may be printed, lithographed or engraved. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, the signature or countersignature is nevertheless valid and sufficient for all purposes as if he had remained in office until the delivery of the bonds.

Article 3. Issue and Sale

40245. The bonds may be issued and sold for not less than their par value, but otherwise as the board determines. Before selling any bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board

may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale.

40246. All premiums and accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds. The remainder of the proceeds of the bonds shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects or purposes for which the bonds were voted; provided that when such objects and purposes have been accomplished any moneys remaining shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, and that when all principal of and interest on the bonds shall have been paid, any balance of money then remaining shall be transferred to the general fund of the district.

Article 4. Status as Investments

40260. All bonds including refunding bonds issued by a district are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the State School Fund and for all sinking funds under the control of the State Treasurer. Whenever any money or funds may by law be invested in or loaned upon the security of bonds of cities, cities and counties, counties, or school districts, in the state, such money or funds may be invested in or loaned upon the security of the bonds of the district; and whenever bonds of cities, cities and counties, counties, or school districts by law may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of the district may be so used.

40261. All bonds of the district, to the same extent as bonds of any other municipality, are legal for use by any state or national bank or banks in the state as security for the deposit of funds of the state or of any county, city and county, city, municipality or other public or municipal corporation within the state.

Article 5. Validation

40263. An action to determine the validity of bonds, including refunding bonds, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Article 6. Revenue Bonds

40265. As an alternative procedure for the raising of funds, the district may issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), all of the provisions of which are applicable to the district.

40266. The district is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include transit facilities and any and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed or completed by the district. A district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more facilities or enterprises authorized to be acquired, constructed, or completed by a district or, in the alternative, may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction and completion of any one of such facilities. Nothing in this article shall prevent the district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the facilities or works authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the directors may determine.

Chapter 8. Annexation

40270. Territory within Orange County may be annexed to the district in the manner provided in this chapter.

40271. Whenever the board finds and determines that additional territory will be benefited by annexation to the district, it shall pass a resolution to that effect.

40272. The resolution shall be passed by a vote of two-thirds of the members of the board.

40273. The resolution shall:

(a) Describe the boundaries of the territory proposed to be annexed.

(b) Designate the proposed annexation by an appropriate name.

(c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation.

40274. The resolution, together with the names of the members of the board, voting for and against it shall be published pursuant to Section 6066 of the Government Code in a newspaper published in the territory proposed to be annexed, or

if there is no such paper, then in some newspaper of general circulation, circulated in such territory.

40275. On the day fixed for hearing or any day to which the hearing is adjourned, the board shall hear and consider any objections presented to the annexation of the territory. After the hearing of objections, if it shall be determined by a vote of two-thirds of all the members of the board that the territory proposed to be annexed will be benefited by such annexation, the board shall proceed to fix and determine the boundaries of the territory to be annexed to the district, provided, however, that if there is filed with the clerk of the board prior to the close of said hearing, written protests against said annexation signed by fifty percent (50%) or more of the registered voters within the area proposed to be annexed, then said annexation proceedings shall be terminated by board action and the board shall not within six months after said termination adopt a resolution pursuant to Section 40271 applicable to the same or substantially the same area involved in the prior terminated proceeding.

40276. After making all necessary and proper changes in the boundaries, by a resolution passed by a vote of two-thirds of the members, the board shall order the annexation of the territory so described. The resolution, together with the names of the members of the board voting for and against the same shall be spread upon the minutes of the board.

40277. Whenever any territory is annexed to the district it shall thereupon become a part of the district subject to all the liabilities and entitled to all the benefits of the district.

Chapter 9. Dissolution

40500. The board may call an election any time for the purpose of submitting to the voters of the district the question of whether the district will be dissolved. Upon the filing with the clerk of the district of a petition signed by voters within the district equal in number to at least twenty-five percent (25%) of the total vote cast within the district at the last general statewide election asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call such an election.

40501. The election for the purpose of submitting to the voters of the district the question of whether or not the district shall be dissolved shall be held within 60 days next succeeding the date on which the petition is filed.

40502. Notice of any election for dissolution, whether called because of the filing of a petition or ordered by the board without petition, shall be published. The date fixed for the election shall not be less than 30 days from the date of the first publication of the notice.

40503. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use

at general state and county elections and in addition the following:

Shall the Orange County Transit District be dissolved?	YES	
	NO	

40504. The board shall canvass the vote. If a majority of the votes favor dissolution, the board shall by resolution dissolve the district.

40505. The board shall file a certified copy of the resolution with the Secretary of State and for record in the office of the county recorder.

40506. Upon dissolution the right, title, and interest to property owned or controlled by the district situated within the limits of any city vests absolutely in the city. If such property is situated outside the limits of a city, it vests in the county in which it is situated.

40507. The board of supervisors is, ex officio, the governing body of the dissolved district. It may levy taxes and assessments and perform other acts necessary to wind up the district affairs and to raise money for the payment of outstanding indebtedness.

CHAPTER 10. CONSOLIDATION WITH OTHER DISTRICTS

40600 The district may be consolidated with the Southern California Rapid Transit District organized and operating pursuant to Part 3 (commencing with Section 30000) of this division, in the manner provided in this chapter.

40601. Whenever the board finds and determines that:

(a) The Southern California Rapid Transit District is willing to annex the territory comprising the district;

(b) The annexing district has adequate facilities for and is able to supply transit service to the district in a manner equal to or superior to that presently rendered by the district;

(c) Annexation will not result in assumption of financial obligations by the taxpayers of the district disproportionate to the services which they will receive; the board shall thereafter negotiate an agreement with the annexing district specifying the terms and conditions of annexation and such other matters as are necessary and incidental thereto.

40602. The board shall thereafter, by resolution setting forth the terms and conditions of the proposed contract at length, declare its intention to cause the agreement to be approved and effect consolidation of the district with the Southern California Rapid Transit District.

40603. The resolution, together with a notice fixing the time and place for hearing thereon, shall be published once in a newspaper of general circulation published in the district. The time fixed for hearing shall not be less than 30 nor more than 60 days from the date of publication of such notice.

40604. At the hearing any interested person may file with the board written objections to the approval of the terms and conditions of the proposed contract or the consolidation, or both the proposed contract and the consolidation.

40605. Upon the hearing, the board shall determine whether or not the terms and conditions of the contract will be approved and the consolidation effected, and shall hear and determine all objections thereto.

40606. Any hearing on the agreement and consolidation may be adjourned from time to time by the board, not exceeding 30 days in all, without further notice other than an order entered upon the minutes of the meeting fixing the time and place of adjournment.

40607. If no protests are filed, or if the protests filed are overruled and denied by the board, the board shall thereupon by resolution finally approve the terms and conditions of the agreement and proceed with the consolidation.

40608. At any time after the board of directors of the district has finally approved the agreement the Board of Supervisors of Orange County shall cause an election to be held in the district to determine whether the Orange County Transit District will be consolidated with the Southern California Rapid Transit District upon the terms and conditions stated in the agreement.

40609. Notice of election shall be published once a week for two successive weeks (two publications) in a newspaper of general circulation published within the district, and shall either state that a copy of the consolidation agreement is on file in the office of the Clerk of Orange County, and open to the inspection of all persons interested, or set forth the terms and conditions of the consolidation agreement at length, in the discretion of the board of supervisors calling the election.

40610. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition shall set forth the proposition of consolidation substantially as follows:

Shall the Orange County Transit District be consolidated with the Southern California Rapid Transit District in accordance with and subject to all the terms and conditions of a consolidation agreement dated _____ now on file in the office of the Clerk of Orange County?	YES	
	NO	

40611. If upon a canvass of the election it is found that a majority of all votes cast on the proposition at the election were cast in favor of the consolidation, the proposition and all of the terms and conditions of the consolidation agreement shall be deemed carried and approved by the voters.

40612. If the proposition fails to carry, the result shall be entered upon the minutes of the Board of Supervisors of Orange County.

40613. If the proposition receives the vote of the requisite majority of voters, the Board of Supervisors of Orange County shall enter in its minutes an order declaring the result of the election and shall thereupon cause the consolidation agreement to be executed by its duly authorized officers.

40614. Upon receipt by the Southern California Rapid Transit District of a copy of the consolidation agreement properly executed by the district and Orange County the board of directors of the Southern California Rapid Transit District shall pass a resolution declaring the Orange County Transit District consolidated with the Southern California Rapid Transit District, and shall cause a certified copy of the resolution to be filed with the Secretary of State. From and after the date of filing of the resolution with the Secretary of State the consolidation of the Orange County Transit District with the Southern California Rapid Transit District is complete.

40615. From and after the date of consolidation the board of directors of the Southern California Rapid Transit District shall levy upon all of the property in the former Orange County Transit District such taxes, tolls, or charges as are necessary to provide funds for the payment of the indebtedness assumed by the former district or otherwise necessary to comply with the terms and conditions of the consolidation agreement, all in addition to the general district taxes authorized elsewhere in Part 3 (commencing with Section 30000) of this division to be levied and collected.

40616. The validity of any consolidating proceedings shall not be contested in any action unless the action is brought within three (3) months after the completion of the proceedings.

40617. Upon the completion of such consolidation procedure, the Orange County Transit District shall be deemed to be dissolved. Thereafter, all property and assets of the district which are not subject to the negotiated contract pertaining to consolidation shall be distributed to the County of Orange.

CHAPTER 1900

An act to add Section 75030.7 to the Government Code, relating to the Judges' Retirement Law.

[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 75030.7 is added to the Government Code, to read:

75030.7. A Member of the Senate or Assembly who is not returned to office, or who chooses not to run, when the Senate or Assembly district, respectively, to which he was last elected, is altered pursuant to a reapportionment of legislative districts other than a decennial reapportionment, and whose contributions as a judge remain on deposit in the fund under Section 75033, shall, during the term of office for which he was elected:

(a) Have a right under Section 75030.5 to elect by written election filed with the Controller at any time prior to his retirement, to make contributions pursuant to Section 75030.5 and to receive credit in this system as service rendered for all or any part of his service as an elected state constitutional officer, or as a public legal officer, as defined in Section 75030.5, either before or after his service as a judge, excluding any period of time for which he is receiving or is entitled to receive a retirement allowance from any other public retirement system.

(b) Be retired as a judge under Section 75025 upon attaining, as provided in this section, the age and service requirements specified in that section.

For the purposes of this section, "service as an elected state constitutional officer" shall include all or any portion of the term of office for which he was duly elected as such elected state constitutional officer as specified by law at the time of his election preceding such reapportionment.

CHAPTER 1901

An act to amend Sections 852 and 853 of, and to add Section 851.5 to, the Probate Code, relating to conveyances by personal representatives.

[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 851.5 is added to the Probate Code, to read:

851.5. If a person dies in possession of, or holding title to, real or personal property which, or some interest in which, is claimed to belong to another, the executor or administrator may file with the clerk of the court a verified petition setting forth the facts upon which the claim is predicated. There shall be attached to the petition the affidavit of the claimant attesting to the truth of the facts set forth in said petition. Thereupon the clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200. The petitioner shall cause notice of the hearing to be mailed to all known heirs and devisees at

their last known addresses, as provided in Section 1200, whether they have requested special notice or given notice of appearance or not.

SEC. 2. Section 852 of said code is amended to read:

852. At the time appointed, the court, upon proof that due notice of the hearing of the petition filed under Section 851 or Section 851.5 has been given, shall proceed to hear the matter; and if the court is satisfied that the conveyance or transfer should be made, it shall make an order authorizing and directing the executor or administrator to execute the same to the party entitled thereto; except that the court shall not grant a petition under Section 851.5 if objection thereto is made, or if a civil action is then pending, or if the court determines the matter should be determined by civil action. If the transaction relates to real property, a certified copy of the decree must be recorded with the deed in the office of the county recorder of the county in which the land or any portion thereof lies.

SEC. 3. Section 853 of said code is amended to read:

853. The decree shall be prima facie evidence of the correctness of the proceedings and of the authority of the executor or administrator to make the conveyance or transfer; and after its entry the person entitled to the conveyance or transfer has a right to the possession of the property, and to hold the same according to the terms of the intended conveyance or transfer, in like manner as if the same had been conveyed or transferred in pursuance of the decree. Nevertheless, the executor or administrator must execute the conveyance or transfer according to the directions of the decree, and the court may enforce its execution by process. The conveyance or transfer shall pass title to the property, as fully as if the decedent had executed it while living.

CHAPTER 1902

An act to amend Sections 2341 and 2342 of the Agricultural Code, relating to marketing program fees.

[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 2341 of the Agricultural Code is amended to read:

2341. At the end of any marketing season as designated in each marketing program, after proper provision has been made for the payment of all necessary expense incurred in connection therewith, any moneys remaining to the credit of the program committee may be refunded upon a pro rata basis to all persons from whom certificate fees were collected;

provided, that during any marketing season the program committee may, with the approval of the director, carry forward any unexpended balances for expenditure during seasons subsequent to the season during which such fees were collected. Alternatively, the refund may, upon the resolution of the program committee with the approval of the director, be deferred so as to permit the program committee to use the residual funds to meet operating expenses in the succeeding season or until sufficient funds have been collected or the collection of sufficient funds is assured to enable the committee to make the refund and to defray the expenses of the then current marketing season, including an allowance for preliminary expenses of the next succeeding season.

SEC. 2. Section 2342 of said code is amended to read:

2342. At the time a refund is made, the program committee shall file with the director a claim for the refund to growers entitled thereto. If the director finds that as of the end of any marketing season the amount remaining to the credit of the program committee is so small as to make impractical the computation and remitting of the pro rata refund, the director may authorize the transfer of the funds to the then current marketing season for expenditure in carrying out the marketing program.

CHAPTER 1903

An act to add Sections 7604.5, 7614, and 7632 to the Education Code, relating to public school curriculum.

[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 7604.5 is added to the Education Code, to read:

7604.5. It is the purpose and aim of the Legislature to especially encourage the establishment in the foreign language programs provided in the elementary schools and high schools, of adequate courses of instruction in the Chinese language, particularly in those communities or localities where trade and other relations with Asian countries forms an important element of the economy and culture. The Legislature urges the governing boards of all school districts, in connection with the development of the foreign language curriculum, to give particular attention to the feasibility of making instruction in the Chinese language a basic part thereof.

SEC. 2. Section 7614 is added to said code, to read:

7614. It is the purpose and aim of the Legislature to especially encourage the establishment in the foreign language programs provided in the elementary schools and high schools,

of adequate courses of instruction in the Chinese language, particularly in those communities or localities where trade and other relations with Asian countries form an important element of the economy and culture. The Legislature urges the governing boards of all school districts, in connection with the development of the foreign language curriculum, to give particular attention to the feasibility of making instruction in the Chinese language a basic part thereof.

SEC. 3. Section 7632 is added to said code, to read:

7632. The provisions of Section 7614 shall be applicable for purposes of this article in connection with the development of the foreign language curriculum.

SEC. 4. Sections 2 and 3 of this act shall become operative only if Senate Bill No. 832 of the 1965 Regular Session is enacted into law, in which case they shall become operative at the same time as Senate Bill No. 832, and Section 7604.5 as added to the Education Code by Section 1 of this act shall be repealed.

CHAPTER 1904

An act to amend Section 4500 of the Penal Code, relating to assaults by life-term prisoners.

[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 4500 of the Penal Code is amended to read:

4500. Every person undergoing a life sentence in a state prison of this state, who, with malice aforethought, commits an assault upon the person of another, other than another inmate, with a deadly weapon or instrument, or by any means of force likely to produce great bodily injury is punishable with death; however, in cases in which the person subjected to such assault does not die within a year and a day after such assault as a proximate result thereof, or the person so assaulted is another inmate, the punishment shall be death or imprisonment in the state prison for life without possibility of parole for nine years, at the discretion of the court or jury trying the same, and the matter of punishment shall be determined as provided in Section 190.1 of this code. For the purpose of computing the days elapsed between the commission of the assault and the death of the person assaulted, the whole of the day on which the assault was committed shall be counted as the first day.

Any person who, under this section, is punished by imprisonment rather than death, shall be required to serve his sentence consecutively to any sentence he is presently serving.

CHAPTER 1905

An act to amend Section 452 of the Probate Code, relating to administration of 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 452 of the Probate Code is amended to read:

452. The surviving spouse, when letters of administration have been granted to a child, grandchild, parent, brother or sister of the intestate or to the public administrator; or any of such relatives, when letters have been granted to any other of such persons, may assert his prior right, and obtain letters of administration, and have the letters before granted revoked, in the manner prescribed in the preceding section.

CHAPTER 1906

An act to amend Section 104.12 of the Streets and Highways Code, relating to state highway 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 104.12 of the Streets and Highways Code is amended to read:

104.12. The department may lease to public agencies or private entities the use of areas above or below state highways, subject to such reservations, restrictions and conditions as it deems necessary to assure adequate protection to the safety and the adequacy of highway facilities and to abutting or adjacent land uses. Authorized emergency vehicles as defined in Section 165 of the Vehicle Code which are on active duty and are not merely being stored shall be given preference in the use of such areas, and no payment of consideration shall be required for this use of the areas by such vehicles. Prior to entering into any such lease, the department shall determine that the proposed use is not in conflict with the zoning regulations of the local government concerned. Such leases shall be made in accordance with procedures to be prescribed by the California Highway Commission, except that in the case of leases with private entities such leases shall only be made after competitive bidding unless the commission finds by unanimous vote that in certain cases competitive bidding would not be in the best interests of the state. The possibilities of entering into such leases and the consequent benefits to be derived there-

from may be considered by the department in designing and constructing such highways.

Revenues from such leases shall be deposited in the State Highway Fund.

CHAPTER 1907

An act to add Article 6.5 (commencing with Section 3321) to Chapter 10 of Division 5 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. Article 6.5 (commencing with Section 3321) is added to Chapter 10 of Division 5 of the Education Code, to read:

Article 6.5. Appeal and Review of Reorganization Proposals

3321. Notwithstanding any provisions of this division to the contrary, any master plan developed under Chapter 9 (commencing with Section 3001) of this division, any plans and recommendations developed under this chapter, and any other proposal involving the unification of school district territory, may be subject to not more than one review upon petition therefor submitted by the governing board of any school district included in such proposal to the State Board of Education. The review shall occur if the petition has been filed prior to the calling of any election required to be held on the question of the approval of the proposal, or, where such an election is not required to be held, prior to the final order of the public agency or officer upon which the proposal is made effective, or if the petition has been filed prior to 60 days following the rejection by the State Board of Education of a proposal by a county committee.

3322. Immediately upon the filing of the petition for review, the State Board of Education shall transmit the proposal in question for review by a school district reorganization review committee. It shall also direct any public officer or agency participating in the proceedings involving the proposal to cooperate with and furnish any necessary data and materials to the committee, and it shall be the duty of such officer or agency to comply with such direction.

3323. The school district reorganization review committee shall be composed of six members. The members shall be as follows:

(a) One member from the staff of the Department of Education, appointed by the Superintendent of Public Instruction.

(b) The county superintendent of schools of the county having jurisdiction over the territory in question, or his designee.

(c) A member of the county board of education of the county in which the territory in question is located, appointed by the chairman of the county board of education.

(d) Three members, each a member of the county board of education of three different counties, no part of which county is included in the plans to be reviewed. The Superintendent of Public Instruction shall designate the counties from which the members of the review committee are to be appointed and shall notify each county board of education thereof. The chairman of the county board shall then appoint the members to the review committee.

The committee shall continue in existence until it has accomplished all necessary matters attendant upon reviewing and taking action upon the particular proposal submitted to it for review. The committee shall organize itself for the conduct of business and shall designate one of its members chairman. The executive secretary of the committee shall be the employee of the Department of Education designated by the Superintendent of Public Instruction. The committee shall be subject to the provisions of Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code, and shall be considered a "legislative body" as defined in those provisions. All hearings of the committee shall be conducted within the territory affected by the plan under review.

The committee members shall serve without compensation, but shall receive the necessary expenses incurred by them in the performance of their duties under this chapter. All expenses incurred by the committee, except the expenses of the executive secretary, in the performance of its duties shall be charged to and paid from the general fund of each county from which members have been appointed.

3324. Within 60 days after the submission to it of any proposal, the school district reorganization review committee shall hold hearings on the appeal of the appellant school district, and determine, with respect to a plan approved by the State Board of Education, and with respect to a plan rejected by the State Board of Education, whether it shall recommend to the State Board of Education that it reconsider the plan. If the approved plan is recommended for reconsideration by the committee, no election on the plan shall be held, and it shall be returned to the State Board of Education for reconsideration and shall be reconsidered at the earliest possible regular meeting of the board. Action of the board on any review committee recommendation for reconsideration shall be final with respect to that plan. Failure of the committee to recommend that the plan be stayed or reconsidered within the time prescribed shall be deemed approval of the action.

With respect to the requirement of Section 3321 that a unification proposal may be reviewed no more than once, upon petition by any school district included in such a proposal, if a unification plan is similar to a plan previously reviewed by a review committee, the State Board of Education shall determine whether the new proposal is significantly different from the original proposal. If such determination is made by the board, a review committee may, upon application of an affected school district, make a review and submit its recommendations with respect to that proposal. If the board determines that the proposal is not significantly different from the proposal originally considered by the review committee no such review by the school district reorganization review committee shall be permitted.

3325. If the State Board of Education fails to approve the recommendation of a county committee for the formation of a unified school district, and the same plan is resubmitted pursuant to Section 3009 and disapproved by the State Board of Education a second time, the board shall declare that an impasse exists between the county committee and the State Board of Education, and shall direct the Department of Education to prepare a plan for the unification of the territory included in the disapproved plans of the county committee on school district organization The board shall then submit to the school district reorganization review committee established pursuant to Section 3323 both the disapproved plan of the county committee and the plan prepared by the Department of Education. The review committee shall, within 60 days following submission to it of such plans by the State Board of Education, hold a public hearing on the matter. The review committee shall recommend to the State Board of Education which of the two plans are, in the opinion of the review committee, most suitable for adoption. The State Board of Education shall consider the recommendations of the review committee at the earliest possible date following their submission to it, and shall determine which of the two plans shall be approved for the territory.

The decision of the State Board of Education pursuant to this section with regard to a unification plan shall not be subject to a further review by the school district reorganization review committee pursuant to Section 3321.

CHAPTER 1908

An act to amend Sections 14240, 14243, 14244, 14246, 14249, 14251 and 14252 of, and to add Sections 14244.5, 14252.5, 14254, 14255, and 29137 to, the Elections Code, relating to voter challenges.

[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 14240 of the Elections Code is amended to read:

14240. A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

(a) That he is not the person whose name appears on the register.

(b) That he has not been a resident of the state one year next preceding the election.

(c) That he has not been a naturalized citizen of the United States for 90 days prior to the election.

(d) That he has not been a resident of the county for 90 days preceding the election.

(e) That he has not been a resident of the precinct for 54 days next preceding the election.

(f) That he has voted that day.

(g) That he has been convicted of a felony.

(h) That he has been convicted of the embezzlement or misappropriation of public money.

On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge any voter or question him concerning his qualifications to vote.

If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that such person or persons be challenged, he shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the county clerk or registrar of voters and describe to him the contents of such document or list and such evidence, if any, received bearing on voting qualifications. The county clerk shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The county clerk may, if

necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

No person shall post or cause to have posted any poster, bill, or placard containing any information concerning eligibility to vote to be displayed on the day of the election within 500 feet of the entrance to a polling place.

SEC. 2. Section 14243 of said code is amended to read:

14243. If the challenge is on the ground that the person seeking to vote has not been a resident in the state for one year next preceding the election, the person challenged shall be sworn to answer questions, and after he is sworn the inspector shall ask him:

(a) Have you been a resident in this state for one year immediately preceding this election?

(b) During the past year, did you leave the state for other than a temporary purpose?

(c) Have you voted or registered to vote in any other state during the past year?

(d) Have you, within the past year, made a legal claim to be a resident of another state for any purpose?

If the answer to question (a) is "yes" without significant qualification and the answer to questions (b), (c), and (d) is "no" without significant qualification, no other questions shall be asked.

SEC. 3. Section 14244 of said code is amended to read:

14244. If the challenge is on the ground that he has not resided in the county for 90 days next preceding the election, the person challenged shall be sworn to answer questions, and after he is sworn, the inspector shall ask him:

(a) Have you been a resident in this county for 90 days immediately preceding this election?

(b) During the past 90 days, did you leave the county for other than a temporary purpose?

(c) Have you voted or registered to vote in any other county during the past 90 days?

(d) Have you, within the past 90 days, made a legal claim to be a resident of another county for any purpose?

If the answer to question (a) is "yes" without significant qualification and the answer to questions (b), (c), and (d) is "no" without significant qualification, no other questions shall be asked.

SEC. 3.5. Section 14244.5 is added to said code, to read:

14244.5. If the challenge is on the ground that he has not resided in the precinct for 54 days next preceding the election, the person challenged shall be sworn to answer questions, and after he is sworn, the inspector shall ask him:

(a) Have you been a resident in this precinct for 54 days immediately preceding this election?

(b) During that period, did you leave the precinct for other than a temporary purpose?

(c) Have you voted or registered to vote in any other precinct during that period?

(d) Have you, within that period, made a legal claim to be a resident of another precinct for any purpose?

If the answer to question (a) is "yes" without significant qualification and the answer to questions (b), (c), and (d) is "no" without significant qualification, no other questions shall be asked.

SEC. 4. Section 14246 of said code is amended to read:

14246. If the challenge is on the ground that the person challenged has been convicted of a felony or that he has been convicted of the embezzlement or misappropriation of public money, he shall not be questioned, but the fact may be proved by the production of an authenticated copy of the record or by the sworn oral testimony of two witnesses.

SEC. 5. Section 14249 of said code is amended to read:

14249. Challenges for causes other than those specified in Section 14248 shall be tried and determined by the precinct board at the time of the challenge.

The precinct board may, at its discretion, also request any other person present in the polling place to be sworn and answer questions whom the board believes may have knowledge or information concerning the facts of the challenge.

SEC. 6. Section 14251 of said code is amended to read:

14251. Before administering an oath to a person touching his place of residence, the inspector shall read to the person challenged the rules prescribed by Section 14250 and Article 3 (commencing at Section 14280) of this chapter.

SEC. 7. Section 14252 of said code is amended to read:

14252. The precinct board shall cause one of the clerks to keep a list showing:

(a) The name and address of each person challenged.

(b) The name, address, and voter registration affidavit number, or other identification as a voter, of each person offering information concerning any person's qualifications to vote, or testifying pursuant to Section 14249, together with the name and address of the person about whom the information or testimony is given.

(c) The grounds of each challenge.

(d) The determination of the board upon the challenge, together with any written evidence pertaining thereto.

SEC. 8. Section 14252.5 is added to said code, to read:

14252.5. A piece of mailed matter returned undelivered by the post office shall not be accepted or used as evidence upon which to initiate a challenge as to residency by any member of the precinct board unless other evidence or testimony is also presented, nor shall such mailed matter, standing alone without other evidence or testimony, be accepted as evidence by the precinct board in determining a challenge.

SEC. 9. Section 14254 is added to said code, to read:

14254. In the event the precinct board determines that persistent challenging of voters is resulting in a delay of voting sufficient to cause voters to forego voting because of in-

sufficient time or for fear of unwarranted intimidation, the board shall summarily overrule all challenges.

SEC. 10. Section 14255 is added to said code, to read:

14255. Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter.

SEC. 11. Section 29137 is added to said code, to read:

29137. Every person is guilty of a misdemeanor who knowingly challenges or causes another person to challenge a person's right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing said voters from voting or to delay the process of voting, or who fraudulently advises any person that he is not eligible to vote or is not registered to vote when in fact such person is eligible or is registered, or who violates any part of Section 14240 of this code.

CHAPTER 1909

An act to add Section 25829 to the Government Code, relating to county government.

[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 25829 is added to the Government Code, to read:

25829. The San Mateo County Board of Supervisors may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate dump sites, incinerators, garbage disposal systems, sewers, drains, septic tanks, sewerage collection, outfall and treatment works and other sanitary disposal systems, and storm water drains and storm water collection, outfall and disposal systems for the disposal of combustible or noncombustible garbage or rubbish, for the treatment and disposal of sewage or storm waters, or any of them.

The board may make and enforce all necessary and proper regulations for the use of disposal facilities not in conflict with the Constitution and the laws of the state. The board may collect compensation from private or public parties for the right to dump or for the use of any dump site, incinerator, or other disposal plant, or system or for the disposal of garbage, rubbish, sewerage or storm waters brought to any dump site, incinerator, or other disposal plant. It may restrict the use of the facilities to the inhabitants of the county.

This article does not limit the right of the county to buy, lease, or otherwise acquire and operate a dump site, incinerator or other disposal plant or system in another county for the disposal of garbage, rubbish, sewerage or storm waters.

SEC. 2. The Legislature finds and declares that special problems of sanitation exist in the County of San Mateo 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 garbage, rubbish, sewage and storm waters.

This problem is not common to all areas of the state. 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 San Mateo County.

CHAPTER 1910

An act to amend Sections 1203.45 and 11116 of, and to add Section 11105.5 to, the Penal Code, relating to sealing of criminal records.

[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 1203.45 of the Penal Code is amended to read:

1203.45. In any case in which a person was under the age of 21 years at the time of commission of a misdemeanor, except a traffic violation, for which he was arrested, and (1) such person was not convicted of any crime, or (2) such person is eligible for, or has previously received, the relief provided by Section 1203.4 or Section 1203.4a, such person, in a proceeding under Section 1203.4 or Section 1203.4a, or a separate proceeding, may petition the court for an order sealing the record of conviction and other official records in the case, including records of arrests resulting in the criminal proceeding, and including records relating to other offenses charged in the accusatory pleading, whether defendant was acquitted or charges were dismissed. If the court finds that such person was under the age of 21 at the time of the commission of the misdemeanor, and is eligible for relief under Section 1203.4 or Section 1203.4a, or has previously received such relief, or has not been convicted of any crime, except a traffic violation, it may issue its order granting the relief prayed for. Thereafter such conviction, arrest, or other proceeding shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.

This section applies to convictions which occurred before, as well as those which occur after, the effective date of this section. This section shall not apply to offenses for which registration is required under Section 290 of this code or to violations of Division 10 (commencing with Section 11000) of

the Health and Safety Code. This section does not apply to a person convicted of more than one offense unless:

(a) One of the offenses includes the other or others; or

(b) The other conviction or convictions were violations of local ordinances relating to stopping, standing or parking of a motor vehicle; or

(c) The other conviction or convictions consisted of any combination of (a) and (b).

SEC. 2. Section 11105.5 is added to said code, to read:

11105.5. When the Bureau of Criminal Identification and Investigation receives a report that the record of a minor has been sealed under Section 1203.45 of the Penal Code, it shall send notice of that fact to all officers and agencies that it had previously notified of the arrest or other proceedings against the minor. Thereafter, the arrest or other proceedings shall be deemed not to have occurred, and the Bureau of Criminal Identification and Investigation shall answer accordingly any inquiry directed to it relating to their occurrence.

SEC. 3. Section 11116 of said code is amended to read:

11116. Whenever a criminal complaint or accusation is filed in any superior, municipal or justice court, the clerk, or, if there be no clerk, the judge of that court shall furnish a report of the disposition of such case to the sheriff, police department or other law enforcement agency primarily responsible for the investigation of the crime alleged, in a form and manner prescribed or approved by the Bureau of Criminal Identification and Investigation.

"Disposition," as used herein, includes any discharge or commitment of the defendant in a preliminary hearing and any judgment after conviction, judgment of acquittal, order of dismissal or other order or judgment which terminates a criminal case.

Whenever a court shall dismiss the accusation or information against a defendant under the provisions of Section 1203.4 of this code, and whenever a court shall order the record of a minor sealed under the provisions of Section 1203.45 of this code, the clerk, or, if there be no clerk, the judge of that court shall furnish a report of such proceedings to the Bureau of Criminal Identification and Investigation and shall include therein such information as may be required by said bureau.

CHAPTER 1911

An act to amend Sections 19686, 19687, and 19688 of, and to add Section 19688.5 to, the Education Code, relating to state school building aid repayments.

[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 19686 of the Education Code is amended to read:

19686. Not later than July 10th of each year the county superintendent of schools of each county in which there is a school district maintaining facilities for the education of exceptional children which have been constructed with funds apportioned to the district under this article (Sections 19681 to 19689, inclusive) shall certify to the board of supervisors and to the county auditor of the county the total number of units of average daily attendance of pupils enrolled in such facilities during the next preceding fiscal year who reside in a district other than the district maintaining such facilities. On or before July 10th of each year the county superintendent of schools shall notify the governing board of each affected school district of the total number of units of average daily attendance of pupils residing in that district who were in attendance at such facilities maintained by another district.

SEC. 2. Section 19687 of said code is amended to read:

19687. On or before July 20th of each year, the governing board of a school district which has received a notification pursuant to Section 19686, shall determine, and notify the county board of supervisors and the county auditor, whether the amounts required to be paid on behalf of the district under Section 19689 shall be provided from the general fund of the district or by a special district tax levied by the county board of supervisors.

In the event that the district notification specifies that the amounts so required shall be provided by a special district tax, or if no notification is made, the board of supervisors with whom the certificate prescribed by Section 19686 is filed shall, at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the district of residence of each pupil enrolled in the facilities other than the district maintaining such facilities, sufficient in amount to raise, for the use of the facilities, the sum of one hundred sixty dollars ($160) per unit of average daily attendance, less any amounts per unit of such average daily attendance remaining in the county school building aid fund from levies and collections made in any prior year and not paid to the state pursuant to Section 19689.

SEC. 3. Section 19688 of said code is amended to read:

19688. If the board of supervisors fails to make a district tax levy required under Section 19687, the auditor shall make the levy.

In the event the governing board of a school district has elected to provide from the district general fund the amounts required to be paid on behalf of the district from the county school building aid fund under Section 19689, the county superintendent of schools shall order the payment to be made in the amount required from the general fund of the district.

SEC. 4. Section 19688.5 is added to said code, to read:

19688.5. In the event that the governing board of a school district determines, subject to the approval of the county superintendent of schools, that the amounts collected within the district by special taxes levied pursuant to Section 19687 or Section 19688 and credited to the district in the county school building aid fund are substantially in excess of amounts required of the district for purposes of Section 19689 for the ensuing three-year period, the county superintendent may order the payment to the district from the county school building aid fund of so much of such excess moneys as he may deem appropriate.

CHAPTER 1912

An act to add Section 1753.6 to the Welfare and Institutions Code, relating to hospital costs of state wards.

[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 1753.6 is added to the Welfare and Institutions Code, to read:

1753.6. In any case in which a ward of the Youth Authority is temporarily released from actual confinement in an institution of the authority and placed in a county hospital for purposes of delivery of her child, the authority may reimburse the county for the actual cost of services rendered by the county hospital to the newborn infant of the ward.

CHAPTER 1913

An act to add Chapter 5 (commencing with Section 288) to Division 2 of the Agricultural Code, relating to a pest control compact.

[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 5 (commencing with Section 288) is added to Division 2 of the Agricultural Code, to read:

Chapter 5. Pest Control Compact

288. The Pest Control Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

Pest Control Compact

Article I. Findings

The party states find that:

(a) In the absence of the higher degree of cooperation among them possible under this compact, the annual loss of approximately seven billion dollars from the depredations of pests is virtually certain to continue, if not to increase.

(b) Because of varying climatic, geographic and economic factors, each state may be affected differently by particular species of pests; but all states share the inability to protect themselves fully against those pests which present serious dangers to them.

(c) The migratory character of pest infestations makes it necessary for states both adjacent to and distant from one another, to complement each other's activities when faced with conditions of infestation and reinfestation.

(d) While every state is seriously affected by a substantial number of pests, and every state is susceptible of infestation by many species of pests not now causing damage to its crop and plant life and products, the fact that relatively few species of pests present equal danger to or are of interest to all states makes the establishment and operation of a fund, from which individual states may obtain financial support for pest control programs of benefit to them in other states and to which they may contribute in accordance with their relative interests, the most equitable means of financing cooperative pest eradication and control programs.

Article II. Definitions

As used in this compact, unless the context clearly requires a different construction:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(b) "Requesting state" means a state which invokes the procedures of the compact to secure the undertaking or intensification of measures to control or eradicate one or more pests within one or more other states.

(c) "Responding state" means a state requested to undertake or intensify the measures referred to in subdivision (b) of this article.

(d) "Pest" means any invertebrate animal, pathogen, parasitic plant or similar or allied organism which can cause dis-

ease or damage in any crops, trees, shrubs, grasses or other plants of substantial value.

(e) "Fund" means the Pest Control Fund established pursuant to this compact.

(f) "Governing board" means the administrators of this compact representing all of the party states when such administrators are acting as a body in pursuance of authority vested in them by this compact.

(g) "Executive committee" means the committee established pursuant to Article V (e) of this compact.

Article III. The Fund

There is hereby established the Pest Control Fund for the purpose of financing other than normal pest control operations which states may be called upon to engage in pursuant to this compact. The fund shall contain moneys appropriated to it by the party states and any donations and grants accepted by it. All appropriations, except as conditioned by the rights and obligations of party states expressly set forth in this compact, shall be unconditional and may not be restricted by the appropriating state to use in the control of any specified pest or pests. Donations and grants may be conditional or unconditional, provided that the fund shall not accept any donation or grant whose terms are inconsistent with any provision of this compact.

Article IV. The Fund, Internal Operations and Management

(a) The fund shall be administered by a governing board and executive committee as hereinafter provided. The actions of the governing board and executive committee pursuant to this compact shall be deemed the actions of the fund.

(b) The members of the governing board shall be entitled to one vote each on such board. No action of the governing board shall be binding unless taken at a meeting at which a majority of the total number of votes on the governing board are cast in favor thereof. Action of the governing board shall be only at a meeting at which a majority of the members are present.

(c) The fund shall have a seal which may be employed as an official symbol and which may be affixed to documents and otherwise used as the governing board may provide.

(d) The governing board shall elect annually, from among its members, a chairman, a vice chairman, a secretary and a treasurer. The chairman may not succeed himself. The governing board may appoint an executive director and fix his duties and his compensation, if any. Such executive director shall serve at the pleasure of the governing board. The governing board shall make provision for the bonding of such of the officers and employees of the fund as may be appropriate.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, or if there be no executive director, the chairman, in accordance with such procedures as the bylaws may provide, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the fund and shall fix the duties and compensation of such personnel. The governing board in its bylaws shall provide for the personnel policies and programs of the fund.

(f) The fund may borrow, accept or contract for the services of personnel from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation.

(g) The fund may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association or corporation, and may receive, utilize and dispose of the same. Any donation, gift or grant accepted by the governing board pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this article shall be reported in the annual report of the fund. Such report shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender.

(h) The governing board shall adopt bylaws for the conduct of the business of the fund and shall have the power to amend and rescind these bylaws. The fund shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto with the appropriate agency or officer in each of the party states.

(i) The fund annually shall make to the Governor and Legislature of each party state a report covering its activities for the preceding year. The fund may make such additional reports as it may deem desirable.

(j) In addition to the powers and duties specifically authorized and imposed, the fund may do such other things as are necessary and incidental to the conduct of its affairs pursuant to this compact.

Article V. Compact Fund Administration

(a) In each party state there shall be a compact administrator, who shall be selected and serve in such manner as the laws of his state may provide, and who shall:

1. Assist in the coordination of activities pursuant to the compact in his state; and

2. Represent his state on the governing board of the fund.

(b) If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the

governing board of the fund by not to exceed three representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, but no such representative shall have a vote on the governing board or on the executive committee thereof.

(c) The governing board shall meet at least once each year for the purpose of determining policies and procedures in the administration of the fund and, consistent with the provisions of the compact, supervising and giving direction to the expenditure of moneys from the fund. Additional meetings of the governing board shall be held on call of the chairman, the executive committee, or a majority of the membership of the governing board.

(d) At such times as it may be meeting, the governing board shall pass upon applications for assistance from the fund and authorize disbursements therefrom. When the governing board is not in session, the executive committee thereof shall act as agent of the governing board, with full authority to act for it in passing upon such applications.

(e) The executive committee shall be composed of the chairman of the governing board and four additional members of the governing board chosen by it so that there shall be one member representing each of four geographic groupings of party states. The governing board shall make such geographic groupings. If there is representation of the United States on the governing board, one such representative may meet with the executive committee. The chairman of the governing board shall be chairman of the executive committee. No action of the executive committee shall be binding unless taken at a meeting at which at least four members of such committee are present and vote in favor thereof. Necessary expenses of each of the five members of the executive committee incurred in attending meetings of such committee, when not held at the same time and place as a meeting of the governing board, shall be charges against the fund.

Article VI. Assistance and Reimbursement

(a) Each party state pledges to each other party state that it will employ its best efforts to eradicate, or control within the strictest practicable limits, any and all pests. It is recognized that performance of this responsibility involves:

1. The maintenance of pest control and eradication activities of interstate significance by a party state at a level that would be reasonable for its own protection in the absence of this compact.

2. The meeting of emergency outbreaks or infestations of interstate significance to no less an extent than would have been done in the absence of this compact.

(b) Whenever a party state is threatened by a pest not present within its borders but present within another party

state, or whenever a party state is undertaking or engaged in activities for the control or eradication of a pest or pests, and finds that such activities are or would be impracticable or substantially more difficult of success by reason of failure of another party state to cope with infestation or threatened infestation, that state may request the governing board to authorize expenditures from the fund for eradication or control measures to be taken by one or more of such other party states at a level sufficient to prevent, or to reduce to the greatest practicable extent, infestation or reinfestation of the requesting state. Upon such authorization the responding state or states shall take or increase such eradication or control measures as may be warranted. A responding state shall use moneys made available from the fund expeditiously and efficiently to assist in affording the protection requested.

(c) In order to apply for expenditures from the fund, a requesting state shall submit the following in writing:

1. A detailed statement of the circumstances which occasion the request for the invoking of the compact.

2. Evidence that the pest on account of whose eradication or control assistance is requested constitutes a danger to an agricultural or forest crop, product, tree, shrub, grass or other plant having a substantial value to the requesting state.

3. A statement of the extent of the present and projected program of the requesting state and its subdivisions, including full information as to the legal authority for the conduct of such program or programs and the expenditures being made or budgeted therefor, in connection with the eradication, control, or prevention of introduction of the pest concerned.

4. Proof that the expenditures being made or budgeted as detailed in item 3 do not constitute a reduction of the effort for the control or eradication of the pest concerned or, if there is a reduction, the reasons why the level of program detailed in item 3 constitutes a normal level of pest control activity.

5. A declaration as to whether, to the best of its knowledge and belief, the conditions which in its view occasion the invoking of the compact in the particular instance can be abated by a program undertaken with the aid of moneys from the fund in one year or less, or whether the request is for an installment in a program which is likely to continue for a longer period of time.

6. Such other information as the governing board may require consistent with the provisions of this compact.

(d) The governing board or executive committee shall give due notice of any meeting at which an application for assistance from the fund is to be considered. Such notice shall be given to the compact administrator of each party state and to such other officers and agencies as may be designated by the laws of the party states. The requesting state and any other party state shall be entitled to be represented and present evidence and argument at such meeting.

(e) Upon the submission as required by paragraph (c) of this article and such other information as it may have or acquire, and upon determining that an expenditure of funds is within the purposes of this compact and justified thereby, the governing board or executive committee shall authorize support of the program. The governing board or the executive committee may meet at any time or place for the purpose of receiving and considering an application. Any and all determinations of the governing board or executive committee, with respect to an application, together with the reasons therefor shall be recorded and subscribed in such manner as to show and preserve the votes of the individual members thereof.

(f) A requesting state which is dissatisfied with a determination of the executive committee shall upon notice in writing given within 20 days of the determination with which it is dissatisfied, be entitled to receive a review thereof at the next meeting of the governing board. Determinations of the executive committee shall be reviewable only by the governing board at one of its regular meetings, or at a special meeting held in such manner as the governing board may authorize.

(g) Responding states required to undertake or increase measures pursuant to this compact may receive moneys from the fund, either at the time or times when such state incurs expenditures on account of such measures, or as reimbursement for expenses incurred and chargeable to the fund. The governing board shall adopt and, from time to time, may amend or revise procedures for submission of claims upon it and for payment thereof.

(h) Before authorizing the expenditure of moneys from the fund pursuant to an application of a requesting state, the fund shall ascertain the extent and nature of any timely assistance or participation which may be available from the federal government and shall request the appropriate agency or agencies of the federal government for such assistance and participation.

(i) The fund may negotiate and execute a memorandum of understanding or other appropriate instrument defining the extent and degree of assistance or participation between and among the fund, cooperating federal agencies, states and any other entities concerned.

Article VII. Advisory and Technical Committees

The governing board may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any such advisory or technical committee, or any member or members thereof may meet with and participate in its deliberations. Upon request of the governing board or executive committee an advisory or technical committee may furnish information and recommendations with respect to any application for assistance from the fund being considered by such board or committee and the board or committee may

receive and consider the same: provided that any participant in a meeting of the governing board or executive committee held pursuant to Article VI (d) of the compact shall be entitled to know the substance of any such information and recommendations, at the time of the meeting if made prior thereto or as a part thereof or, if made thereafter, no later than the time at which the governing board or executive committee makes its disposition of the application.

Article VIII. Relations with Nonparty Jurisdictions

(a) A party state may make application for assistance from the fund in respect of a pest in a nonparty state. Such application shall be considered and disposed of by the governing board or executive committee in the same manner as an application with respect to a pest within a party state, except as provided in this article.

(b) At or in connection with any meeting of the governing board or executive committee held pursuant to Article VI (d) of this compact a nonparty state shall be entitled to appear, participate, and receive information only to such extent as the governing board or executive committee may provide A nonparty state shall not be entitled to review of any determination made by the executive committee.

(c) The governing board or executive committee shall authorize expenditures from the fund to be made in a nonparty state only after determining that the conditions in such state and the value of such expenditures to the party states as a whole jusify them. The governing board or executive committee may set any conditions which it deems appropriate with respect to the expenditure of moneys from the fund in a nonparty state and may enter into such agreement or agreements with nonparty states and other jurisdictions or entities as it may deem necessary or appropriate to protect the interests of the fund with respect to expenditures and activities outside of party states.

Article IX. Finance

(a) The fund shall submit to the executive head or designated officer or officers of each party state a budget for the fund for such period as may be required by the laws of that party state for presentation to the Legislature thereof.

(b) Each of the budgets shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The requests for appropriations shall be apportioned among the party states as follows: one-tenth of the total budget in equal shares and the remainder in proportion to the value of agricultural and forest crops and products, excluding animals and animal products, produced in each party state In determining the value of such crops and products the fund may employ such source or sources of information as in its judgment present the most equitable and accurate compari-

sons among the party states. Each of the budgets and requests for appropriations shall indicate the source or sources used in obtaining information concerning value of products.

(c) The financial assets of the fund shall be maintained in two accounts to be designated respectively as the "operating account" and the "claims account." The operating account shall consist only of those assets necessary for the administration of the fund during the next ensuing two-year period. The claims account shall contain all moneys not included in the operating account and shall not exceed the amount reasonably estimated to be sufficient to pay all legitimate claims on the fund for a period of three years. At any time when the claims account has reached its maximum limit or would reach its maximum limit by the addition of moneys requested for appropriation by the party states, the governing board shall reduce its budget requests on a pro rata basis in such manner as to keep the claims account within such maximum limit. Any moneys in the claims account by virtue of conditional donations, grants or gifts shall be included in calculations made pursuant to this paragraph only to the extent that such moneys are available to meet demands arising out of claims.

(d) The fund shall not pledge the credit of any party state. The fund may meet any of its obligations in whole or in part with moneys available to it under Article IV (g) of this compact, provided that the governing board takes specific action setting aside such moneys prior to incurring any obligation to be met in whole or in part in such manner. Except where the fund makes use of moneys available to it under Article IV (g) hereof, the fund shall not incur any obligation prior to the allotment of moneys by the party states adequate to meet the same.

(e) The fund shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the fund shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the fund shall be audited yearly by a certified or licensed public accountant and a report of the audit shall be included in and become part of the annual report of the fund.

(f) The accounts of the fund shall be open at any reasonable time for inspection by duly authorized officers of the party states and by any persons authorized by the fund.

Article X. Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any five or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the executive head of the

withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

Article XI. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

288.1. Consistent with law and within available appropriations, the departments, agencies, and officers of this state may cooperate with the fund established by the Pest Control Compact.

288.2. Pursuant to Article IV (h) of the compact, copies of bylaws and amendments thereto shall be filed with the Office of Administrative Procedure.

288.3. The compact administrator for this state is the Director of Agriculture.

288.4. Within the meaning of Article VI (b) or VIII (a), a request or application for assistance from the fund may be made by the Governor whenever in his judgment the conditions qualifying this state for such assistance exist and it would be in the interest of this state to make such request.

288.5. The notice of any meeting at which an application for assistance from the fund is to be considered given pursuant to Article VI (d), shall also be given to the Speaker of the Assembly and the President pro Tempore of the Senate.

288.6. The department, agency, or officer expending or becoming liable for an expenditure on account of a control or eradication program undertaken or intensified pursuant to the compact shall have credited to his account in the State Treasury the amount or amounts of any payments made to this state to defray the cost of such program, or any part thereof, or as reimbursement thereof.

288.7. As used in the compact, with reference to this state, the term "executive head" shall mean the Governor.

SEC. 2. The change of the name of the fund under this compact from the Pest Control Insurance Fund to the Pest Control Fund is a nonsubstantive change intended only to reflect California's preference in nomenclature.

SEC. 3. The Legislature does not intend by this act to authorize the expenditure of any money which has not been duly appropriated or to obligate the state to make any appropriation therefor.

CHAPTER 1914

An act to amend Sections 6801, 6806, 6807, 6808, 6811, 6812, 6813, and 6815 of, and repeal Section 8903 of, the Education Code, relating to education of physically handicapped minors, 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 6801 of the Education Code is amended to read:

6801. Subject to the provisions of this article (commencing at Section 6801) and Section 8901 the governing board of any school district may make such special provisions as in its judgment may be necessary for the education of physically handicapped minors. "Physically handicapped minor," as used in this article (commencing at Section 6801) means a physically defective or handicapped person under the age of 21 years who is in need of education.

SEC. 2. Section 6806 of said code is amended to read:

6806. Subject to the provisions of Section 8901 any school district which does not maintain facilities for the education of physically handicapped minors shall enter into a contract with a school district in the same county, or a county superintendent of schools maintaining such facilities. If there is no district in the same county maintaining such facilities, the governing board of the school district shall enter into a contract with a school district maintaining such facilities in any other county. If any question arises concerning the adequacy of the facilities provided for the education of physically handicapped minors by the school district in which the child is actually living, the parent or guardian of such child may appeal to the county superintendent of schools, and if the county superintendent of schools determines that the facilities offered are inadequate, he shall order the school district in which the child is actually living either to provide the facilities or enter into a contract with a school district maintaining adequate facilities.

Such contract shall provide for the payment of the cost of tuition by the district in which the physically handicapped minor actually lives and may provide for payment of the cost of the use of the buildings and equipment. The cost of tuition shall not be greater than the difference between current expenditures per unit of average daily attendance, including trans-

portation, for the education of a pupil in the particular category of physically handicapped minors to which the pupil belongs and the apportionment of state funds for the education of physically handicapped minors in that category.

The amount shall be determined not later than the last Monday in December and the last Monday in May of each year by the county superintendent of schools of the county in which the child attends schools and certified to the superintendent of schools having jurisdiction over the schools of the school district in which the child actually lives. The amount shall be forthwith paid from any funds of the school district available for that purpose.

SEC. 3. Section 6807 of said code is amended to read:

6807. Subject to the provisions of Section 8901 the governing board of a school district may provide for the transportation of pupils assigned to special schools or classes for physically handicapped pupils, and shall provide transportation for those pupils whose physical handicaps prevent their walking to school.

SEC. 4. Section 6808 of said code is amended to read:

6808. Subject to the provisions of Section 8901 the governing board of the school district in which any physically handicapped minor is actually living, although the residence of his parents or guardian is outside the district, shall provide for the transportation of such minor to the school at which education is furnished, if his handicap prevents his walking to school or if the distance is greater than one mile, regardless of whether such education is furnished within or without the district.

SEC. 5. Section 6811 of said code is amended to read:

6811. Subject to the provisions of Section 8901 the governing board of a school district may establish regulations determining who can profit by and who shall receive the special instruction provided by this article (commencing with Section 6801). The regulations shall be subject to such standards as may be prescribed by the State Department of Education.

SEC. 6. Section 6812 of said code is amended to read:

6812. Subject to the provisions of Section 8901 physically handicapped minors may be instructed in special schools or special classes, in hospitals, sanatoriums, or preventoriums, in the home through the employment of home instructors, by cooperative arrangement with the Department of Rehabilitation, or by any other means approved by the State Department of Education.

Minors with speech disorders or defects may be admitted at school for individual instruction at the age of three years for the purpose of remedying such speech disorders or defects.

Minors who are deaf or hard of hearing, as determined by the State Board of Education, and between the ages of three and six years may be admitted at school for individual instruction or be instructed in the home through the employment of a home instructor, provided there are fewer than five such ed-

ucable minors in the community making the establishment of a special day class impracticable, or the establishment of a special day class for such minors is impracticable because there are fewer than five such minors in the community within reasonable travel distance of a school suitable for the establishment of such a special day class, and provided, further, that such instruction is afforded by a teacher or home instructor possessing full qualifications for the credential to teach deaf pupils as prescribed by the regulations of the State Board of Education.

SEC. 7. Section 6813 of said code is amended to read:

6813. Subject to the provisions of Section 8901 special classes or individual instruction provided for pretuberculous, tuberculous, convalescent, or other physically handicapped minors in hospitals, sanatoriums, and preventoriums, may be maintained in the institutions within or without the school district, and the attendance of pupils in the institutions shall be credited to the district providing the instruction.

SEC. 8. Section 6815 of said code is amended to read:

6815. Subject to the provisions of Section 8901 a minor with cerebral palsy may attend a special school or class maintained by any school district for minors with cerebral palsy. The governing board of the district of residence shall pay to the district of attendance at the close of each school year the total current expenditures of the district of attendance, for the education of such minor during such school year, less all apportionments of state and federal funds made on account of the attendance of such pupils. The governing board of the district of residence may agree to reimburse the district of attendance for use of buildings and equipment. If the district of residence has insufficient funds to make such payment, the county superintendent of schools having jurisdiction over the district of residence shall apportion to the district from the county school service fund such sum as may be necessary to permit the district to meet its obligation under this section.

SEC. 9. Section 8903 of said code is repealed.

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

The programs for physically handicapped children are of immediate need and it is important that they be established according to the standards and conditions imposed by this act. Accordingly, it is necessary that the act go into effect immediately so that arrangements may be made for programs based on these standards and conditions for the forthcoming school year.

CHAPTER 1915

An act to add Section 2943 to the Penal Code, relating to terms of imprisonment.

[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 2943 is added to the Penal Code, to read:

2943. Notwithstanding any other provision of law, when any person (other than a person imprisoned under a life sentence) has been released on parole from the state prison, and has been on parole continuously for two years since release from confinement, the Adult Authority, in the case of a male prisoner, and the Board of Trustees of the California Institution for Women, in the case of a female prisoner, shall, within 30 days, determine whether or not, by the standard of his rehabilitation, such person's term of imprisonment shall terminate on the expiration of such 30-day period. The authority or board shall make a written record of its determination and transmit a copy thereof to the parolee. If the authority or board so determines that such person's term shall be terminated, he shall be deemed completely discharged at the end of such 30-day period.

CHAPTER 1916

An act to amend Section 13020 of the Penal Code, relating to recordkeeping and reporting by public agencies and officials.

[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 13020 of the Penal Code is amended to read:

13020. It shall be the duty of every constable, city marshal, chief of police, railroad and steamship police, sheriff, coroner, district attorney, city attorney and city prosecutor having criminal jurisdiction, probation officer, county board of parole commissioners, work furlough administrator, the Department of Justice, Youth and Adult Corrections Agency, Department of Corrections, Adult Authority, Department of Youth Authority, California Women's Board of Terms and Parole, Department of Mental Hygiene, Department of Public Health, Department of Social Welfare, State Fire Marshal, Liquor Control Administrator, constituent agencies of the State Department of Investment, and every other person or agency

dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:

(a) To install and maintain records needed for the correct reporting of statistical data required by the bureau;

(b) To report statistical data to the bureau at such times and in such manner as the Attorney General prescribes;

(c) To give to the Attorney General, or his accredited agent, access to statistical data for the purpose of carrying out the provisions of this title.

CHAPTER 1917

An act to add Section 1132.5 to the Education Code, and to add Section 45.5 to the Elections Code, relating to withdrawal of signature from recall, 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 1132.5 is added to the Education Code, to read:

1132.5. Any voter who has signed a petition demanding the recall of any school district governing board member shall have his signature withdrawn from the petition upon filing a written request therefore with the appropriate county superintendent of schools prior to the day the recall petition is filed.

SEC. 2. Section 45.5 is added to the Elections Code, to read:

45.5. Any voter who has signed an initiative, referendum or recall petition pursuant to the Constitution or laws of this state shall have his signature withdrawn from such petition upon filing a written request therefore with the appropriate county clerk or city clerk prior to the day the petition is filed.

CHAPTER 1918

An act to amend Section 53521 of the Government Code, relating to notice by mail of hearings of local agencies.

[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 53521 of the Government Code is amended to read:

53521. Whenever by any law of this state a local agency is required to give notice by posting or publication of a hearing on the formation of a local agency or an improvement district, zone, special assessment district or special taxing district within a local agency, or on the consolidation or dissolution of such local agency or the annexation or detachment of territory to or from any of the foregoing, or on the issuance of bonds or other evidences of indebtedness by or for any of the foregoing, the local agency may, in its discretion, cause additional notice of such hearing to be given by mail as follows:

(a) By mailing such notice, postage prepaid, to all persons owning real property which will be within such local agency, improvement district, zone, special assessment district or other special taxing district when the same is formed, consolidated or dissolved, or within territory proposed to be annexed or detached therefrom or which will or may be taxed or assessed for the payment of bonds or other evidences of indebtedness issued by or for any thereof, whose names and addresses appear on the last equalized county assessment roll (including the roll of state-assessed property) or are known to the clerk or secretary of the local agency.

(b) Such notice shall be mailed at least fifteen (15) days prior to the date fixed for the hearing.

CHAPTER 1919

An act to add Section 10056.5 to the Health and Safety Code, relating to vital statistics.

[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 10056.5 is added to the Health and Safety Code, to read:

10056.5. (a) If a certificate indicates that a mental, physical or social problem may exist, including, but not limited to (1) the fetus was dead at time of delivery, (2) the father of the child is not identified, (3) the infant died after birth, (4) congenital malformation, (5) maternal disability or death, or if a parent of the infant requests such action, the local registrar shall mark the certificate in a manner designated by the State Registrar to indicate that the certificate is not to be used by any person compiling a business contact list.

(b) If the infant who is the subject of the certificate, or the mother of such infant, dies before the certificate is signed by the attending physician, the fact of such death shall be indicated on the certificate.

CHAPTER 1920

An act to amend Sections 6902, 8128, 9152, 10252, 30362 and 32402 of, and to add Sections 7707, 8829, 9914, 30244, 30308 and 32273 to, the Revenue and Taxation Code, relating to state taxes.

[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 6902 of the Revenue and Taxation Code is amended to read:

6902. (a) Except as provided in subdivision (b) no refund shall be approved by the board after three years from the last day of the month following the close of the quarterly period for which the overpayment was made, or, with respect to determinations made under Article 2, 3 or 4 of Chapter 5 of this part, after six months from the date the determinations become final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period, or unless the credit relates to a period for which a waiver is given pursuant to Section 6488.

(b) A refund may be approved by the board for any period for which a waiver is given under Section 6488 if a claim therefor is filed with the board before the expiration of the period agreed upon.

SEC. 2. Section 7707 is added to said code, to read:

7707. Any notice required by this article may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

SEC. 3. Section 8128 of said code is amended to read:

8128. (a) Except as provided in subdivision (b) no refund under this article shall be approved by the board after three years from the first day of the second calendar month following the month for which the overpayment was made, or with respect to determinations made under Article 2, 2.5 or 3 of Chapter 5 of this part, after six months from the dates the determinations become final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period, or unless the credit relates to a period for which a waiver is given pursuant to Section 7676.

(b) A refund may be approved by the board for any period for which a waiver is given under Section 7676 if a claim therefor is filed with the board before the expiration of the period agreed upon.

SEC. 4. Section 8829 is added to said code, to read:

8829. Any notice required by this article may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

SEC. 5. Section 9152 of said code is amended to read:

9152. (a) Except as provided in subdivision (b) no refund shall be approved by the board after three years from the 25th day of the month following the month for which the overpayment was made, or, with respect to determinations made under Article 2, 3 or 4 of Chapter 4 of this part, after six months from the date the determinations became final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period, or unless the claim relates to a period for which a waiver has been given pursuant to Section 8783.

(b) A refund may be approved by the board for any period for which a waiver is given under Section 8783 if a claim therefor is filed with the board before the expiration of the period agreed upon.

SEC. 6. Section 9914 is added to said code, to read:

9914. Any notice required by this article may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

SEC. 7. Section 10252 of said code is amended to read:

10252. (a) Except as provided in subdivision (b) no refund shall be approved by the board after three years from the 25th day of the month following the month in which the taxable operations occurred, or with respect to determinations made under Article 2, 3 or 3.5 of Chapter 4 of this part, after six months from the dates the determinations become final, or after six months from the date of overpayment, whichever period expires later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period, or unless the credit relates to a period for which a waiver is given pursuant to Section 9882.

(b) A refund may be approved by the board for any period for which a waiver is given under Section 9882 if a claim therefor is filed with the board before the expiration of the period agreed upon.

SEC. 8. Section 30208 is added to said code, to read:

30208. If before the expiration of the time prescribed in Section 30207 for the mailing of a notice of deficiency determination the taxpayer has consented in writing to the mailing of the notice after such time, the notice may be mailed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agree-

ments in writing made before the expiration of the period previously agreed upon.

SEC. 9. Section 30244 is added to said code, to read:

30244. Any notice required by this article may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

SEC. 10. Section 30362 of said code is amended to read:

30362. (a) Except as provided in subdivision (b) no refund shall be approved by the board after three years from the 15th day after the close of the monthly period for which the overpayment was made, or, with respect to a determination made under Chapter 4 of this part, after six months from the date the determination becomes final, or after six months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period, or unless the credit relates to a period for which a waiver is given pursuant to Section 30208.

(b) A refund may be approved by the board for any period for which a waiver is given under Section 30208 if a claim therefor is filed with the board before the expiration of the period agreed upon.

SEC. 11. Section 32273 is added to said code, to read:

32273. If before the expiration of the time prescribed in Section 32272 for the mailing of a notice of deficiency determination the taxpayer has consented in writing to the mailing of the notice after such time, the notice may be mailed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

SEC 12. Section 32402 of said code is amended to read:

32402. (a) Except as provided in subdivision (b) no refund shall be approved by the board after three years from the 15th day after the close of the monthly period for which the overpayment was made, or, with respect to determinations made under Article 2, 3 or 5 of Chapter 6 of this part, within six months after the determinations become final, whichever period expires the later unless a claim therefor is filed with the board within such period. No credit shall be approved by the board after the expiration of such period unless a claim for credit is filed with the board within such period, or unless the credit relates to a period for which a waiver is given pursuant to Section 32273.

(b) A refund may be approved by the board for any period for which a waiver is given under Section 32273 if a claim therefor is filed with the board before the expiration of the period agreed upon.

(c) Every claim for refund or credit shall be in writing and shall state the specific grounds upon which the claim is founded.

CHAPTER 1921

An act to amend Sections 25157 and 26011 of the Corporations Code, relating to the Corporate Securities Law.

[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 25157 of the Corporations Code is amended to read:

25157. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any sale, offer for sale, negotiation or taking of subscription for the sale by the issuer or by an underwriter for the issuer of any security issued by a company organized outside of California whose principal business properties are located outside of California to (a) a bank or trust company acting for itself, or a bank authorized to engage in the trust business or a trust company acting as trustee or in an other representative or fiduciary capacity with sole investment authority; (b) an insurance company or (c) an organization or fund designated as qualifying for exemption pursuant to this section by an order or rule of the commissioner, which order or rule shall be based upon a finding by the commissioner that such organization or fund, or class thereof, is of such size or has such investment experience or capability as not to require the protection otherwise provided by the issuance of a permit. In the event any security is sold which would have been subject to the Corporate Securities Law but for the provisions of this section, any such security may not thereafter be offered, sold, transferred or distributed (except to another such institution, organization or fund qualifying hereunder) until a permit shall first be obtained with respect to any such security. The application for such permit need not be made by the issuer of said securities, but may be made by such institution or fund then desiring to offer or sell such securities.

SEC. 2. Section 26011 of said code is amended to read:

26011. (a) The fee for filing any application for an agent's certificate is twenty-five dollars ($25).

(b) If a licensed broker acquires the business of another licensed broker, the certificates of the agents of such latter broker may be transferred to the acquiring broker upon application therefor to the commissioner and the payment of a transfer fee of five dollars ($5) for each licensed agent to be so transferred; and such transfer shall not, for filing fee purposes, be deemed an initial or renewal registration of any such transferred agent. The provisions of this subdivision (b) shall be applicable to any acquisition by a licensed broker of the business of another licensed broker other than by merger or consolidation. With respect to the merger or consolidation of two or more corporate licensee brokers, the licensed agents

of the brokers who are parties to such merger or consolidation shall become the licensed agents of the new or surviving corporate licensee broker resulting from such merger or consolidation, upon written notice of such merger or consolidation to the commissioner, and the certificates of such agents shall not be deemed to have been transferred for the purposes of this subdivision (b).

CHAPTER 1922

An act to amend Section 1478 of the Penal Code, relating to the service of a writ of habeas corpus.

[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 1478 of the Penal Code is amended to read:

1478. If the writ is directed to the sheriff or other ministerial officer of the court out of which it issues, it must be delivered by the clerk to such officer without delay, as other writs are delivered for service. If it is directed to any other person, it must be delivered to the sheriff, and be by him served upon such person by delivering the copy to him without delay, and make his return on the original to the court of issuance. If the person to whom the writ is directed cannot be found, or refuses admittance to the officer or person serving or delivering such writ, it may be served or delivered by leaving it at the residence of the person to whom it is directed, or by affixing it to some conspicuous place on the outside either of his dwelling house or of the place where the party is confined or under restraint.

CHAPTER 1923

An act to amend Section 711 of the Code of Civil Procedure, relating to the undertaking to be filed where property levied on under execution is claimed by one other than the judgment debtor.

[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 711 of the Code of Civil Procedure is amended to read:

711. Said undertaking shall be filed in the action in the court in which said execution issued, and a copy thereof served upon the judgment creditor or his attorney in said action.

CHAPTER 1924

An act to amend Section 1237 of, and to add Section 1237.5 to, the Penal Code, relating to appeal from a plea of guilty.

[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 1237 of the Penal Code is amended to read:

1237. An appeal may be taken by the defendant:

1. From a final judgment of conviction except as provided in Section 1237.5; a sentence or an order granting probation shall be deemed to be a final judgment within the meaning of this section; upon appeal from a final judgment the court may review any order denying a motion for a new trial, except when an appeal from an order denying a motion for a new trial has previously been finally determined in cases where the defendant has been committed for sexual psychopathy, insanity, or narcotics addiction.

2. From an order denying a motion for a new trial, in cases where the defendant is committed before final judgment for sexual psychopathy, insanity, or narcotics addiction. Such an appeal shall be dismissed if while it is pending an appeal is taken under subdivision 1.

3. From any order made after judgment, affecting the substantial rights of the party.

SEC. 2. Section 1237.5 is added to said code, to read:

1237.5. No appeal shall be taken by defendant from a judgment of conviction upon a plea of guilty or nolo contendere, except where:

(a) The defendant has filed with the trial court a written statement, executed under oath or penalty of perjury showing reasonable constitutional, jurisdictional, or other grounds going to the legality of the proceedings; and

(b) The trial court has executed and filed a certificate of probable cause for such appeal with the county clerk.

CHAPTER 1925

An act to amend Section 1382 of the Penal Code, relating to dismissal of prosecution.

[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 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, 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.

SEC. 2. 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.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 1251 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 1251 takes effect; in which event Section 1 of this act shall not take effect.

CHAPTER 1926

An act to amend Sections 1305, 1306, and 1307 of, and to add Section 1306.1 to, the Penal Code, relating to forfeiture of bail.

[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 1305 of the Penal Code is amended to read:

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars ($50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond. If the clerk fails to promptly mail such notice or post a copy of the order, the surety or depositor shall be released from all obligations under the bond. But if at any time within 180 days after such entry in the minutes, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within said 180 days after such entry in the minutes, it be made to appear to the satisfaction of the court that the defendant is dead or is physically unable, by reason of illness or insanity, or by reason of detention by civil or military authorities, to appear in court at any time during said 180 days, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If at any time within said 180 days after such entry in the minutes, the bail with the defendant in his custody should appear, the bail may surrender the defendant to the court, may make a motion to set aside the forfeiture, and may request the court not to reinstate the bail.

SEC. 1.5. Section 1305 of said code is amended to read:

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars ($50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond. If, in any case the name or address of the depositor of money deposited instead of bail is unknown, the clerk shall post a copy of the order of forfeiture at the courthouse in the county where the order is made. But if at any time within 180 days after such entry in the minutes, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within said 180 days after such entry in the minutes, it be made to appear to the satisfaction of the court that the defendant is dead or is physically unable, by reason of illness or insanity, or by reason of detention by civil or military authorities, to appear in court at any time during said 180 days, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

SEC. 2. Section 1306 of said code is amended to read:

1306. When any bond is forfeited, if the court which has declared the same forfeited has civil jurisdiction to render judgment in an action arising upon a contract of similar nature and amount, 180 days after such forfeiture, if the same has not been set aside, it shall enter a summary judgment against each bondsman named in such bond in the amount for which such bondsman shall have bound himself; if the court declaring such forfeiture has not jurisdiction to give judgment in an action arising upon a contract of similar nature and amount, said court 180 days after such forfeiture, if the same has not been set aside, shall deliver to the district attorney of the county in which said court is located said bond, together with a certified copy of its order declaring the same forfeited, and immediately thereafter said district attorney must file said bond and said certified copy of forfeiture in a court having jurisdiction to render judgment in an action arising upon a contract of similar nature and amount. The court in which said bond and certified copy of forfeiture shall be so filed shall forthwith enter a summary

judgment against each bondsman named in such bond in the amount for which said bondsman shall have bound himself.

If, because of the failure of any court or district attorney to promptly perform the duties enjoined upon them pursuant to this section, summary judgment is not entered within 60 days after the date upon which it may first be entered, the right to do so expires and the bail is exonerated.

A dismissal of the indictment or information after the default of the defendant shall not release or affect the obligation of the bail bond or undertaking.

Within five days after said judgment becomes final the district attorney or other civil legal adviser of the board of supervisors shall demand immediate payment of said judgment. If the judgment remains unpaid for a period of 10 days after demand has been made, he shall forthwith cause a writ of execution to issue and be levied upon the property of the judgment debtor and shall take any other steps necessary to collect such judgment.

The right to enforce a summary judgment entered against a bondsman pursuant to this section shall expire two years after the entry of such judgment.

SEC. 3. Section 1306.1 is added to said code, to read:

1306.1. The provisions of Sections 1305 and 1306 shall not affect the payment of bail deposits into the city or county treasury, as the case may be, pursuant to Section 40512 of the Vehicle Code in those cases arising under Section 40500 of the Vehicle Code.

SEC. 4. Section 1307 of said code is amended to read:

1307. If, by reason of the neglect of the defendant to appear, money deposited instead of bail is forfeited, and the forfeiture is not discharged or remitted, the clerk with whom it is deposited must, at the end of 180 days, unless the court has before that time discharged the forfeiture, pay over the money deposited to the county treasurer.

SEC. 4. Section 1 5 of this act shall become operative only if Assembly Bill No. 2047 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 2047 takes effect; at which time Section 1305 of the Penal Code as amended by Section 1 of this act is repealed.

CHAPTER 1927

An act to amend Section 8755 of the Fish and Game Code, relating to commercial fishing.

[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 8755 of Fish and Game Code is amended to read:

8755. In Districts 20A and 21, purse and round haul nets may be used.

(a) Purse and round haul nets may be used, except: (1) from sunrise Saturday to sunset Sunday, in that portion of District 20 from a line extending three nautical miles east magnetically from the extreme easterly end of Santa Catalina Island southwesterly and northerly to a line extending three nautical miles southwest magnetically from the most southerly promontory of China Point and (2) at any time during the period commencing on June 1st and ending on September 10 in each year, in that portion of District 20 from a line extending three nautical miles east magnetically from the extreme easterly end of Santa Catalina Island southerly to a line extending three nautical miles southeasterly magnetically from the United States government light on the southeasterly end of Santa Catalina Island. Such use of purse and round haul nets shall include their use to take sardines between September 1 and March 1, inclusive, notwithstanding Section 8151.

(b) Subdivision (a) shall not be construed as restricting the right to use the waters therein specified for anchorage of vessels at any time.

CHAPTER 1928

An act to amend Section 13055 of and to add Sections 13058.1, 13581.1, and 13723.6 to the Education Code, relating to school administrative positions.

[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 13055 of the Education Code is amended to read:

13055. Any person employed by a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, or by a county superintendent of schools in a position in which 50 percent or more of his duties regularly performed during the school year consist of rendering service in directing, coordinating, supervising or administering any portion or all of the types of functions listed below in this section shall hold a valid teaching or service credential issued or renewed pursuant to this code. Those persons so employed before, on, or after the effective date of this section but prior to July 1, 1963, who held or hold valid credentials during the entire period of such employment shall be deemed to be or to have been certificated employees for the entire period of such employment. On and after July 1, 1963, no school district shall employ a person to render such service unless a person holds a valid teaching or service credential, and also holds a supervision credential or an administration credential authorizing the

particular service. Any person who was employed by a district on or before February 1, 1963, to perform any of the services designated by the State Board of Education to require a supervision or administration credential, may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed to perform the same services in that district in which he was employed on that date, or is continuously employed to perform the same services in a district which results from a reorganization involving the same district. The State Board of Education shall, on or before July 1, 1963, determine whether a supervision credential or an administration credential shall authorize the service of directing, coordinating, supervising or administering all or any portion or portions of the types of functions listed below in this section. On or before such date the board shall establish standards for and issue credentials authorizing such service if such service is not authorized by an administration or supervision credential which the board is authorized to issue under other provisions of law in effect on such date.

The list of functions is as follows:

(a) The work of instructors and the instructional program for pupils.

(b) Educational or vocational counseling and placement of students or teachers.

(c) Planning courses of study to be used in the public schools of the state.

(d) The selection, collection, preparation, classification or demonstration of instructional materials of any course of study for use in the development of the instructional program in the schools of the state.

(e) The examination, selection, in-service training, or assignment of teachers, principals or other certificated personnel involved in the instructional program.

(f) Research connected with the evaluation and efficiency of the instructional program.

(g) The school health program.

(h) Activities connected with the enforcement of the laws relating to compulsory education, coordination of child welfare activities involving the school and the home, and the school adjustment of pupils.

(i) The school library services.

(j) The preparation and distribution of instructional materials.

(k) The in-service training of certificated personnel.

(*l*) The interpretation and evaluation of the school instructional program.

SEC. 2. Section 13058.1 is added to said code, to read:

13058.1. Any person who, on June 30, 1965, was serving in a position requiring certification qualifications pursuant to the provisions of subdivisions (m), (n) and (o) of Section 13055 in effect immediately prior to the effective date of this section,

shall be deemed to be an employee in a position requiring certification qualifications for as long as he holds such position after the effective date of this section and such position shall be deemed to be a certificated position for as long as such person holds such position.

SEC. 3. Section 13581.1 is added to said code, to read:

13581.1. Every position not defined by this code as a position requiring certification qualifications and not specifically exempted from the classified service according to the provisions of Section 13581 or 13712 shall be classified as required by those sections and shall be a part of the classified service. Such positions may not be designated as certificated nor shall the assignment of a title to any such a position remove the position from the classified service, nor shall possession of a certification document be made a requirement for employment in any such position.

Nothing in this section shall be construed to prohibit the employment of any individual in a position described by this section as part of the classified service who is in possession of certification qualifications, nor shall the possession of certification qualifications be grounds for the elimination of an individual for consideration for employment in such a position.

This section shall apply to districts that have adopted the merit system in the same manner and effect, as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 4. Section 13723.6 is added to said code, to read:

13723.6. The commission shall, by rule, provide for an open competitive examination only, for the positions that existed or could be created, when such positions become available for competitive examination, under the provisions of subdivisions (m), (n), and (o) of Section 13055 of this code as those subdivisions existed prior to their repeal by action of the 1965 General Session of the Legislature.

CHAPTER 1929

An act to add Section 39 to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949), relating to the establishment of a ground water replenishment and pump tax program.

[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 39 is added to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949), to read:

Sec. 39. Replenishment assessments may be levied and are declared to be in furtherance of district activities or any zone

thereof in the protection of the water supplies for users within the district or any zone thereof which are necessary for the public health, welfare and safety of the people of this state. The replenishment assessments are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, within the district or any zone thereof for the benefit of all who rely directly or indirectly upon the ground water supplies of such district or any zone thereof.

The following procedures and regulations shall apply to allow the enactment of this purpose:

(a) Not later than the second Tuesday in February of each year the board shall order an engineering survey and report to be made regarding the ground water supplies of the district or any zone thereof. The report shall include the following:

(1) Records, data, and other information for the consideration of the board in its determination of the annual overdraft and the accumulated overdraft as of the last day of the preceding water year.

(2) A report, with supporting data, as to the total production of ground water from the ground water supplies within the district or any zone thereof during the preceding water year and as to the changes during the preceding water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the district, or any zone thereof and as to the effects thereof upon the ground water supplies within the district or any zone thereof.

(3) An estimate of the annual overdraft for the current and the ensuing water years, of the accumulated overdraft as of the last day of the current water year, of the total production of ground water from the ground water supplies within the district or any zone thereof for the current and ensuing water years, and of the changes during the current water year in the pressure levels or piezometric heights of the ground water contained in pressure-level areas of the district or any zone thereof and the effects upon the ground water supplies in the district or any zone thereof.

(4) An estimate of the quantity, source, and cost of water available for replenishment of the ground water supplies during the ensuing water year.

(5) A recommendation as to the quantity of water which should be purchased for replenishment of the ground water supplies within the district or any zone thereof during the ensuing water year.

(6) An estimate of the costs of replenishing the ground water supplies with purchased water and of the rate of the replenishment assessment required to be levied upon the production of ground water from the ground water supplies within the district or any zone thereof during the ensuing fiscal year for the purpose of accomplishing such replenishment.

(b) On or before the second Tuesday in March of each year, and provided the survey and report required by subdivision (a) has been made, the board, by resolution, shall declare whether funds shall be raised to purchase water for replenishment during the ensuing fiscal year and whether such funds or any portion thereof shall be raised either by a water charge, a replenishment assessment, or a combination of water charges and replenishment assessments, and whether the funds so to be raised will benefit, directly or indirectly, all of the persons or real property and improvements within the district or any zone thereof.

(c) If the board, by resolution, determines that all or a portion of the funds needed to purchase replenishment water shall be raised by the levy of a replenishment assessment, then the board shall immediately publish a notice that a public hearing will be held on the second Tuesday of April for the purpose of determining whether and to what extent the estimated cost of purchasing water for replenishment for the ensuing year shall be paid for by a replenishment assessment. Such notice shall invite inspection of the engineering survey and report upon which the board acted, a copy of the board's resolution, the time and place of said hearing, and an invitation to all interested parties to attend and be heard in support of or opposition to the proposed assessment, the engineering survey and report, and the board's determination. The notice shall be published in the county pursuant to Section 6061 of the Government Code, at least 10 days before the hearing date.

The hearing shall be held before the board and a quorum shall be present. The hearing may be adjourned from time to time by the president or presiding officer or hearing officer but shall be completed by the first Tuesday in May next following.

The board may appoint a qualified registered engineer familiar with water problems as a hearing officer to conduct said hearing

All evidence relevant to the engineering survey and report and the board's determination that such a replenishment assessment shall be levied may be introduced.

(d) Upon completing said hearing, but no later than the second Tuesday in May, the board shall, by resolution, find:

(1) The annual overdraft for the preceding water year;

(2) The estimated annual overdraft for the current water year;

(3) The estimated annual overdraft for the ensuing water year;

(4) The accumulated overdraft as of the last day of the preceding water year;

(5) The estimated accumulated overdraft as of the last day of the current water year;

(6) The total production of ground water from the ground water supplies within the district or any zone thereof during the preceding water year;

(7) The estimated total production of ground water from the ground water supplies within the district or any zone thereof for the current water year;

(8) The estimated total production of ground water from the ground water supplies within the district or any zone thereof for the ensuing water year;

(9) The changes during the preceding water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the district or any zone thereof, and the effects thereof upon the ground water supplies within such district or any zone thereof;

(10) The estimated changes during the current water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the district or any zone thereof and the estimated effects thereof upon the ground water supplies within such district or any zone thereof;

(11) The quantity of water which should be purchased for the replenishment of the ground water supplies of the district or any zone thereof during the ensuing water year;

(12) The source and estimated cost of water available for such replenishment;

(13) The estimated costs of replenishing such ground water supplies with such water so purchased;

(14) The estimated rate of the replenishment assessment required to be levied upon the production of ground water from the ground water supplies within the district or any zone thereof during the ensuing fiscal year for the purpose of accomplishing such replenishment.

(e) Based on the findings at the hearing the board shall, by resolution, determine what portion, if any, of the estimated cost of purchasing water for replenishment for the ensuing fiscal year shall be paid for by a replenishment assessment.

If the board determines that a replenishment assessment should be levied upon the production of ground water from ground water supplies within the district or any zone thereof during the ensuing fiscal year, then immediately following the making of such determination the board shall levy a replenishment assessment on the production of ground water from the ground water supplies within the district or any zone thereof during the fiscal year commencing on July 1st next, and such replenishment assessment shall be fixed by said board at a uniform rate per acre-foot of ground water so produced. The producers of such ground water shall pay such replenishment assessment to the district or any zone thereof at the times and in the manner hereinafter in this section provided.

(f) The district or any zone thereof, after the levying of the replenishment assessment, shall give notice thereof to the operators of all water-producing facilities in the district or any zone thereof as disclosed by the records of such district or any zone thereof, which notice shall state the rate of replenishment assessment for each acre-foot of ground water to be pro-

duced during the ensuing fiscal year. The notice may be sent by postal card or by other first-class mail with postage prepaid by the district or any zone thereof.

(g) Within ninety (90) days after the adoption of the resolution of the board provided in subdivision (b), the operator of each water-producing facility within such district or any zone thereof shall file with it an information ground water production statement. Such statements shall contain, in addition to such other information as the district or any zone thereof may require, an estimate of the total production of ground water from such water-producing facility for the preceding water year, an estimate of the production of ground water from such water-producing facility for the current water year, an estimate of the production of ground water from such water-producing facility for the ensuing water year, and information as to the method or basis of making such estimates.

Thereafter, the operator of each water-producing facility within the district or any zone thereof, on or before the last day of the month immediately following the respective quarterly periods ending March 31st, June 30th, September 30th, and December 31st of each year, shall file with the district or any zone thereof a sworn statement setting forth the total production in acre-feet of ground water from such water-producing facility during the respective quarterly periods immediately preceding the filing of the respective statements, a general description or number locating such water-producing facility, and the method or basis of the computation of such ground water production. Each statement also shall contain such other information as the district or any zone thereof may require. The first such statement required to be filed pursuant to the provisions of this section shall cover the first calendar quarter commencing not less than thirty (30) days after the adoption of the resolution of the board provided in subdivision (b).

(h) Any replenishment assessment levied pursuant to this section shall be due and payable to the district or any zone thereof by each producer in quarterly installments on the last day for filing the statement of the production of ground water from the water-producing facility operated by such producer during the quarterly period required to be covered by such statement. The amount so due and payable shall be computed by multiplying the production in acre-feet of ground water so produced from such water-producing facility, as reported in such statement, by the rate of the replenishment assessment fixed and levied by the board of the district or any zone thereof for the fiscal year in which such production shall occur.

(i) If any producer shall fail to pay a replenishment assessment when due, the board of the district or any zone thereof may charge interest at a rate not to exceed 1 percent per month on the delinquent amount of the assessment.

Should any operator of a water-producing facility fail to register his water-producing facility or fail to file the ground water production statement, the district or any zone thereof, in addition to charging interest as provided above, may assess a penalty charge against such operator in an amount not to exceed 10 percent of the amount of the replenishment assessment found by the district or any zone thereof to be due with respect to the production of ground water from such water-producing facility.

(j) The board, at the time of fixing the replenishment assessment rate, may provide by resolution that any producer operating a water-producing facility having a discharge opening not greater than two inches in diameter and providing ground water for domestic or irrigation uses on an area not exceeding one acre in extent, shall pay the amount fixed in such resolution as the replenishment assessment to be paid by such producer. No sworn statement as to the production of ground water from such water-producing facility need be filed.

Upon good cause shown, an amended statement of ground water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next quarterly ground water production statement.

(k) The Superior Court of the County of Alameda may issue a temporary restraining order upon the filing by the district or any zone thereof with the court of a verified petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district or any zone thereof or that such defendant is delinquent in the payment of a replenishment assessment. Such temporary restraining order shall be returnable to the court on or before ten (10) days after its issuance.

The court may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established by the preponderance of the evidence at a hearing that the defendant has failed to register such water-producing facility with the district or any zone thereof or that the defendant is delinquent in the payment of a replenishment assessment. Such court may provide that the injunction so made and issued shall be stayed for a period not to exceed ten (10) days to permit the defendant to register the water-producing facility or to pay the delinquent replenishment assessment.

Service of process shall be made by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which such water-producing facility is located and by personal service of such summons and complaint upon the named defendant.

The right to proceed for injunctive relief as provided herein shall be in addition to any other right which may be provided elsewhere in this act or which may be otherwise allowed by

law. The procedure provided in Chapter 3 (commencing with Section 525), Title 7, Part 2 of the Code of Civil Procedure regarding injunctions shall be followed except insofar as it may be otherwise provided herein. The district or any zone thereof shall not be required to furnish an undertaking or bond as a condition to the granting of injunctive relief.

(*l*) If the board of the district or any zone thereof shall have probable cause to believe that the production of ground water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering a water-producing facility, the board of the district or any zone thereof may cause an investigation and report to be made concerning the production of ground water from such water-producing facility. The board of the district or any zone thereof may fix the amount of ground water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and the burden is upon the district or any zone thereof to establish to the contrary.

After such determination has been made by the board of the district, or any zone thereof, a written notice thereof shall be mailed to the operator of such water-producing facility at his address as shown by the district's records or the records of any zone thereof. Any such determination made by the district or any zone thereof shall be conclusive on the operator, and on any producer producing water from such water-producing facility, and the replenishment assessment based thereon, together with interest and penalties, shall be payable forthwith, unless such operator or producer shall file with the board of directors of the district or any zone thereof within ten (10) days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed or the replenishment assessment, interest, and penalties so levied thereon. Upon the filing of such protest, said board shall hold a hearing at which time the total amount of the ground water production and the replenishment assessment thereon shall be determined, and the interest and penalties fixed, which action shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant. The producer shall have 20 days from the date of mailing of such notice to pay the replenishment assessment, interest and penalties so fixed by the board.

(m) The district or any zone thereof may bring a suit in the court having jurisdiction against any producer of ground water from the ground water supplies within the district or

any zone thereof for the collection of any delinquent replenishment assessment. The court having jurisdiction of the suit may, in addition to allowing recovery of costs to the district or any zone thereof as allowed by law, fix and allow as part of the judgment, interest and penalties as provided in subdivision (i). Should the district or any zone thereof seek an attachment against the property of any named defendant therein, the district or any zone thereof shall not be required to furnish bond or other undertaking as provided in Chapter 4 (commencing with Section 537), Title 7, Part 2 of the Code of Civil Procedure.

(n) It shall be unlawful to produce ground water from any water-producing facility within the district or any zone thereof from and after one year following the adoption of the resolution provided for in subdivision (b) hereof, unless such water-producing facility shall have a water-measuring device affixed thereto capable of registering the accumulated amount of ground water produced therefrom.

The board by resolution may extend such date on a year-to-year basis upon its determination that availability, price of water-measuring devices, or other circumstances justify such extension. Should the date be extended, notice thereof shall be given by publication in a newspaper of general circulation in the district or any zone thereof once a week for two successive weeks, such publication to be completed not less than two months prior to the date so extended.

This section shall not be applicable to any operator of a water-producing facility having a discharge opening two inches or less in diameter and providing ground water for domestic or irrigation uses on an area not exceeding one acre in extent, who is required to pay a replenishment assessment in an amount fixed by resolution of the board of the district or any zone thereof as hereinabove in this section provided.

Violation of this section shall be punishable by a fine not to exceed five hundred dollars ($500), or by imprisonment in the county jail for not to exceed six (6) months, or by both such fine and imprisonment. Each day of operation of a water-producing facility in violation hereof shall constitute a separate offense.

(o) In the event of an adjudication of all or substantially all of the rights to extract ground water and a determination of the natural safe yield of the ground water supplies within the district, or any zone thereof, and a determination of the amount or extent to which the rights to extract ground water so adjudicated may be exercised without exceeding the natural safe yield of such ground water supplies, the board of the district or any zone thereof shall recognize such judicial determination by exempting from replenishment assessments the amount of water pumped by each person whose rights have been so adjudicated which does not exceed his proportionate share of the natural safe yield of the ground water supplies of the district or any zone thereof, as so adjudicated from

time to time by the court having jurisdiction over such adjudication proceeding. The replenishment assessment shall thenceforth be levied on each producer by multiplying the production in acre-feet of ground water so produced by such producer's water-producing facility in excess of his said adjudicated share of the natural safe yield by the rate of the replenishment assessment fixed and levied by the board for the fiscal year in which such production shall occur.

To the extent that ground water supplies are replenished under this section no person shall acquire any property or other right in the waters distributed by the district or any zone thereof for replenishment purposes.

To the extent that the replenishment assessment after adjudication hereunder shifts from all producers to those who extract water in excess of their respective shares of the natural safe yield of the ground water supplies within the district or any zone thereof as so adjudicated, such replenishment assessment shall be deemed to benefit those persons who continue to pump and extract ground water in excess of their adjudicated shares of the natural safe yield. Inasmuch as such persons must buy supplemental water or be in contempt of the court's order limiting their extraction of ground water, they shall be deemed to benefit by the payment of a replenishment assessment which is used to purchase water to supplement the natural supplies of ground water available for use.

"Zone" as used herein shall mean the entire zone or any portion thereof.

CHAPTER 1930

An act to amend Section 5544.1 of the Public Resources Code, relating to the acquisition of 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 5544.1 of the Public Resources Code is amended to read:

5544.1. Notwithstanding any other provisions of this article, the board may borrow money by issuance of promissory notes or other evidences of indebtedness in an amount or of a value not exceeding in the aggregate at any one time the sum of two hundred thousand dollars ($200,000) or 5 percent of the assessed valuation of the real and personal property situated in the district, whichever is the lesser amount, to be used for any revenue-producing purpose for which the district is authorized to expend funds.

Indebtedness incurred pursuant to this section shall be repaid in approximately equal annual installments during a period not to exceed five years from June 30th of the fiscal

year in which it is incurred and shall bear interest at a rate not exceeding six percent (6%) per annum payable annually or semiannually or in part annually and in part semiannually.

Each such indebtedness shall be authorized by a resolution of the board unanimously adopted, and shall be evidenced by a promissory note or contract signed by the president of the board and attested by the secretary.

The indebtedness authorized to be incurred by this section shall be in addition to, and the provisions of this section shall not apply to, any bonded indebtedness authorized by vote of the electors.

Nothing herein shall be construed so as to limit or restrict the authority of the district to issue promissory notes or deeds of trust in the acquisition of real property or the exercise of its right of eminent domain subject to the limitations set forth in Section 5568 of this code.

CHAPTER 1931

An act to add Chapter 9.5 (commencing with Section 6250) to Title 7, Part 3 of the Penal Code, relating to community correctional centers.

[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 9.5 (commencing with Section 6250) is added to Title 7, Part 3 of the Penal Code, to read:

CHAPTER 9.5. COMMUNITY CORRECTIONAL CENTERS

6250. The Director of Corrections may establish and operate facilities to be known as community correctional centers.

6251. The primary purpose of such facilities is to provide housing, supervision, counseling, and other correctional programs for persons committed to the Department of Corrections.

6252. The Director of Corrections shall make rules and regulations for the government of the community correctional centers in the management of their affairs.

6253. The Director of Corrections, with the concurrence of the appropriate parole board, may transfer inmates who have served the minimum time required for their release on parole from the state prisons and facilities of the Department of Corrections to community correctional centers, and place parolees in the community correctional centers.

6254. The Director of Corrections may grant furloughs to residents of community correctional centers for the purpose of employment or arranging a suitable employment and residence program.

6255. The provisions of Title 5 (commencing with Section 4500) of Part 3 shall apply to all persons placed in a community correctional center by the Director of Corrections except that those persons who are on active parole shall be subject to the provisions of Article 3 (commencing with Section 3040) of Chapter 8, Title 1, Part 3.

CHAPTER 1932

An act to add Section 1750.5 to the Insurance Code, relating to fees for nonresidents.

[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 1750.5 is added to the Insurance Code, to read:

1750.5. The fee for filing application for a nonresident broker's license shall be that established in Section 1750 for a resident broker, except that if the applicant's state, commonwealth or Canadian province of residence has fees for any nonresident insurance license greater than for a like resident license the fee for filing an application for a nonresident broker's license shall not be less than the amount a California resident would be required to pay to obtain a like license for a like term in the applicant's state, commonwealth or Canadian province of residence.

Where another state, commonwealth or Canadian province requires by statute a countersignature fee, or imposes any other restrictions or limitations on a California resident, such required countersignature fee, restrictions or limitations shall apply to a resident of that state, commonwealth or Canadian province in California.

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

CHAPTER 1933

An act to amend Section 15833 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 15833 of the Elections Code is amended to read as follows:

15833. Any ballot card that is torn, bent, or mutilated shall be segregated in the manner directed by the county clerk and shall be placed within the same sealed container as provided for other voted ballot cards in Section 15835 and shall be delivered with the voted ballots to the counting place, where a duplicate shall be prepared as provided in Section 15872. Any ballot that is marked in a manner so as to identify the voter shall be marked "Void" and shall be placed in the container for void ballots.

CHAPTER 1934

An act relating to the conveyance of land to the County of San Mateo, and to repeal Chapter 1656 of the Statutes of 1963.

[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, "property involved" means all that certain real property situated in the City of Redwood City, County of San Mateo, State of California described as follows:

All of block 3, range "B", as designated on the map entitled "Town of Mezesville", which map was filed in the office of the Recorder of the County of San Mateo, State of California, on August 1, 1856 in Book of Maps at page 79.

SEC. 2. It is hereby found and determined:

(a) On March 30, 1858, a deed was executed by Soledad de Arguello and José Ramón Arguello, by their attorney-in-fact, S. M. Mezes, and S. M. Mezes, individually, to John B. Weller, Governor of the State of California, of the property involved, and said deed was recorded on March 30, 1858 in Book 1 of Deeds at page 355, official records of San Mateo County.

(b) The deed provides, among other things, that the property involved was conveyed in trust for the use and benefit of the people of the State of California and more particularly of the people of the County of San Mateo for a site for a county courthouse, jail and other public buildings.

(c) The property involved has been used for such purposes ever since the date of the deed.

(d) Because of present conditions it is necessary that the title to the property involved should be placed in the same status as other county property insofar as possible.

(e) The County of San Mateo is presently completing the acquisition of quitclaim deeds from all of the heirs of the original grantors of the property involved.

(f) Title to the property involved should be vested in the County of San Mateo, free of any restrictions contained in the original deed.

(g) The County of San Mateo is willing to accept title to the property involved.

SEC. 3. The Governor of the State of California, as the successor in office of John B. Weller, former Governor of the State of California, is hereby directed to execute a deed of the property involved free and clear of the existing restrictions, conveying all the right, title and interest of the state therein, to the County of San Mateo; provided, that there shall be excepted and reserved in the state all deposits of minerals, including oil and gas, in the property and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the property.

SEC. 4. Chapter 1656 of the Statutes of 1963 is repealed.

CHAPTER 1935

An act to add Section 8202.05 to the Elections Code, relating to state central committees, 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 8202.05 is added to the Elections Code, to read:

8202.05. Each state central committee shall meet at a suitable location in the City of Sacramento. The location shall be designated by the executive committee of the state central committee, or, if the executive committee does not meet, by the chairman of the committee, and the Secretary of State shall be notified of the selection at least six weeks in advance of the meeting of the committee.

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 meetings of state central committees to be held in any suitable location in the City of Sacramento. In order that the act may be operative in time for the meetings of the state central committees of 1965, it is essential that it go into effect immediately.

CHAPTER 1936

An act to amend Section 850 of the Penal Code, relating to warrants.

[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 850 of the Penal Code is amended to read:

850. A telegraphic copy of a warrant or an abstract of a warrant may be sent by telegraph or teletype to one or more peace officers, and such copy or abstract is as effectual in the hands of any officer, and he must proceed in the same manner under it as though he held the original warrant issued by a magistrate. An abstract of the warrant as herein referred to shall contain the following information: the charge, the court of issuance, the subject's name, address and description, the bail, the name of the issuing magistrate, whether the offense charged is a felony or misdemeanor, and the warrant number.

CHAPTER 1937

An act to amend Section 1171 of the Probate Code, relating to proceedings to establish fact of death.

[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 1171 of the Probate Code is amended to read:

1171. If proceedings for the administration of the decedent's estate are pending, such petition may be filed in said proceedings without additional fee by any person affected or by the executor or administrator; such petition may be filed at any time prior to the filing of a petition for final distribution or it may be included in a verified petition for probate of the will of the decedent or for letters of administration.

CHAPTER 1938

An act to add Article 2.5 (commencing with Section 17209) to Chapter 1 of Division 14 of the Education Code, relating to public school funds.

[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 2.5 (commencing with Section 17209) is added to Chapter 1 of Division 14 of the Education Code, to read:

Article 2.5. Foundation Trust Fund

17209. Any school district which receives bequests or gifts of money which is surplus money not required for the immediate necessities of the district may invest it pursuant to the provisions of this article.

17210. Any gift or bequest of money which is to be invested pursuant to this article shall be placed in a district special fund in the county treasury, to be designated as the Foundation Trust Fund. If the gift or bequest of money is required to be used for specific purposes according to the terms of the gift or bequest, the governing board shall place the money in a separate account in the Foundation Trust Fund, and may by resolution designate the separate account by the name that it shall be known, including in its name the term "Foundation Trust Account."

17211. The money deposited in a separate account in the Foundation Trust Fund shall be invested pursuant to this article or expended only for the purposes of the gift or bequest.

17212. The governing board of a school district which has placed funds in the Foundation Trust Fund is hereby authorized to invest all or any part of such funds as it deems wise and expedient as follows:

(a) In the securities, warrants, or instruments of indebtedness specified by Section 53601 of the Government Code.

(b) In corporate securities other than corporate shares, provided that the amount of investment under this subdivision shall not exceed 50 percent of the amount invested under subdivision (a).

Any security, warrant, or instrument of indebtedness purchased pursuant to this section may be sold and the proceeds reinvested in similar securities, warrants, or instruments, or placed in the Foundation Trust Fund.

17213. The governing board of a school district may deposit such securities, warrants, or instruments purchased under Section 17212 for safekeeping pursuant to Section 17203.5.

17214. The governing board of a school district which places money in the Foundation Trust Fund pursuant to this article shall appoint an advisory committee equal in number

to the number of members of the governing board. The committee shall be composed of qualified electors of the district and may include members of the governing board. Members of the committee shall serve without compensation.

17215. The advisory committee shall advise the governing board as to the investments to be made pursuant to this article.

17216. The governing board shall adopt rules and regulations to effectuate the purposes of this article, not inconsistent with law.

17217. Except as may be otherwise provided in this article, other provisions of this chapter shall be applicable to the money placed in the Foundation Trust Fund pursuant to this article.

CHAPTER 1939

An act to add Division 2.5 (commencing with Section 290) to the Agricultural Code, relating to cotton.

[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. Division 2.5 (commencing with Section 290) is added to the Agricultural Code, to read:

DIVISION 2.5. CALIFORNIA COTTON PEST CONTROL DISTRICT ACT OF 1965

CHAPTER 1. COTTON PEST CONTROL

290. It is hereby declared that the California cotton industry is threatened with the invasion of cotton boll weevil and pink bollworm of cotton. These two pests, if established in California, will cause losses of several million dollars per year to California's number one field crop. The purpose of this act is the prevention of the introduction of these two pests into California and it is not intended to set a precedent, supersede, or change the normal methods of acting to control or eradicate newly established pests in California.

291. The director may contract with the U.S. Department of Agriculture for the purpose of controlling, suppressing, or eradicating cotton boll weevil or pink bollworm in the State of California, the State of Arizona, or the Republic of Mexico to prevent the entry and establishment of these pests in the State of California.

CHAPTER 1940

An act to amend Section 268 of the Revenue and Taxation Code, relating to property tax exemptions.

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

268. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964 or 1965 on property as to which the welfare exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

CHAPTER 1941

An act to add Sections 25845 and 38773.5 to the Government Code, relating to property assessment for nuisance abatement.

[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 38773.5 is added to the Government Code, to read:

38773.5. The legislative body may by ordinance establish a procedure for the abatement of a nuisance and make the cost of abatement of a nuisance upon a parcel of land a special assessment against that parcel. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to such special assessment.

SEC. 2. Section 25845 is added to said code, to read:

25845. The board of supervisors may by ordinance establish a procedure for the abatement of a nuisance and make the cost of abatement of a nuisance upon a parcel of land a special assessment against that parcel. The assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same

penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment.

CHAPTER 1942

An act to add Section 635 to the Code of Civil Procedure, relating to judgments and orders of the court.

[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 635 is added to the Code of Civil Procedure, to read:

635. In all cases where findings of fact and conclusions of law are not required or have been waived and the decision of the court has been entered in its minutes, and when the judge who heard or tried the case is unavailable, the formal judgment or order conforming to the minutes may be signed by the presiding judge of the court.

CHAPTER 1943

An act to add Section 1363.1 to the Financial Code, relating to investments for savings banks.

[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 1363.1 is added to the Financial Code, to read:

1363.1. An amount not exceeding 25 percent of the paid-up capital and surplus of the savings bank or not exceeding 1 percent of the banks' savings deposits, whichever is lesser, in bonds secured by an insurance commitment of the Federal Housing Administration.

CHAPTER 1944

An act to add Section 1120.5 to the Probate Code, relating to notice of proceedings concerning 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 1120.5 is added to the Probate Code, to read:

1120.5. When any beneficiary under a trust shall have made a request for special notice pursuant to Section 1202, a copy of the petition and a copy of the account and report provided for in Section 1120 shall be attached to the notice of hearing required to be mailed by the trustee to such beneficiary pursuant to Section 1120.

CHAPTER 1945

An act to amend Section 10234 of the Elections Code, relating to the conduct of elections

[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 10234 of the Elections Code is amended to read:

10234. If the county clerk of any county finds it necessary in connection with the use of any approved method of vote counting, he may provide for the following changes in the format of ballots in one or more precincts at any election:

(a) Ballots may be bound and padded at the top.

(b) The left and right edge of ballots may be trimmed to the edge of printed material.

(c) A series of punched holes may be provided in the upper right-hand portion of each ballot.

(d) The ballot number may be placed at any place along the top edge of the ballot, instead of in the left-hand corner.

(e) A cutout section, not to exceed two inches in depth, commencing at the left-hand edge of the far right column of the ballot, may be provided along the top edge of the ballot.

(f) Press perforations may be placed between columns of the ballot, from top to bottom, to permit the folding of the ballot at each perforation.

(g) The width of columns may be varied, but no column shall be more than 10 percent wider or more narrow than any other column.

(h) The right margin of the ballot, which contains voting squares, may be up to one-half inch wide.

(i) "Yes" and "No" columns, where necessary, may be as narrow as one-quarter inch wide.

(j) The instructions to voters may be placed at the bottom of the ballot instead of at the top of the ballot, and an appropriate reference to the location of the instructions may be printed in the upper right portion of the ballot.

(k) Summary forms, in various colors, may be used in place of tally sheets.

(*l*) Special removable masking tape in various colors may be placed over a voting square during the counting process to indicate whether a cross placed partially upon a line should be counted or considered an illegal vote, same to be removed after count is complete.

(m) When paper ballots with the above general format are used and totals posted to summary forms rather than tally sheets a counting group may consist of two board members.

(n) In conjunction with this method of counting votes one extra clerk may be employed who shall commence serving upon the close of the polls and with the other board members canvass the vote.

CHAPTER 1946

An act to add Article 2.5 (commencing with Section 27520) to Chapter 10 of Part 3 of Division 2 of Title 3 of the Government Code, relating to coroners.

[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 2.5 (commencing with Section 27520) is added to Chapter 10 of Part 3 of Division 2 of Title 3 of the Government Code, to read:

Article 2.5. Autopsy

27520. The coroner shall perform or cause to be performed an autopsy on a decedent if the surviving spouse requests him to do so in writing. If there is no surviving spouse, the coroner shall perform the autopsy if requested to do so in writing by a surviving child or parent, or if there is no surviving child or parent, by the next of kin of the deceased. The cost of the autopsy shall be borne by the person requesting that it be performed.

CHAPTER 1947

An act to amend Section 1067 of the Probate Code, relating to estates of deceased persons.

[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 1067 of the Probate Code is amended to read:

1067. The final settlement of an estate, as in this chapter provided, shall not prevent a subsequent issue of letters testamentary or of administration, or of administration with the will annexed, if other property of the estate is discovered, or if it becomes necessary or proper for any cause that letters should be again issued. The court shall issue such letters to the person or persons entitled thereto in the same order and manner as is directed in relation to original letters of administration, provided however, that the administrator who served at the time of the order of discharge shall have priority.

Whenever an estate, or any portion thereof, has been distributed to the State of California, a copy of any petition for subsequent issuance of letters testamentary or of administration, or of administration with the will annexed, and notice of any hearing thereon, shall be served upon the State Controller at the time and in the manner prescribed by Section 1200.

CHAPTER 1948

An act to add Section 1213.5 to the Civil Code, relating to constructive notice of an option to purchase 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 1213.5 is added to the Civil Code, to read:

1213.5. When a recorded instrument has created, or shall hereafter create, an option to purchase real property, which, according to its terms, or by operation of law, has expired, and one year has elapsed since such time of expiration, and no conveyance, contract or other instrument has been recorded showing that such option has been exercised or extended, then the written instrument whereby such option was created shall cease to be notice to any person or put any person on inquiry, with respect to the exercise or existence of such option or of any contract, conveyance or other writing which may have been executed pursuant thereto.

SEC. 2. This act shall become operative on January 1, 1967.

CHAPTER 1949

An act to amend the chapter heading of Chapter 5 (commencing with Section 400) of Division 1 of, and to amend Sections 400, 401, 402, and 403 of, the Welfare and Institutions Code, and to amend the heading of Chapter 3 (commencing with Section 18200) of Part 6 of Division 9 of and to amend Sections 18200, 18201, 18202, and 18203 of Division 9 of, the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, relating to public assistance.

[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 chapter heading of Chapter 5 (commencing with Section 400) of Division 1 of the Welfare and Institutions Code is amended to read:

CHAPTER 5. DEMONSTRATION PROJECTS IN PUBLIC ASSISTANCE

SEC. 2. Section 400 of said code is amended to read:

400. The Legislature recognizes the necessity to improve the administration of public assistance so as to minimize dependency and reduce the total costs of public welfare services by restorative and preventive measures, and to expand protective services for children and adults.

It is the intent of the Legislature in enacting this chapter to provide state assistance to counties to encourage them to establish demonstration and experimental projects calculated to achieve the objectives stated in this section and to strengthen, extend, and improve public welfare services and their administration.

It is also the intent of the Legislature to encourage and aid, within the limitations of this chapter, organizations of recipients to conduct demonstration and experimental projects designed to promote a more effective and efficient system of public aid and services. The Legislature intends to encourage the participation of individuals on public assistance to the fullest extent in the workings of the public welfare program and through this chapter hopes to provide a mechanism for organized groups of recipients to mobilize their resources and through concerted and cooperative action contribute to solutions to the economic, social and personal problems which tend to prolong dependency.

SEC. 3. Section 401 of said code is amended to read:

401. The State Department of Social Welfare may authorize the payment of state funds to defray in whole or in part the cost of a project undertaken by the welfare department of any county or by the welfare departments of a group of

counties or by the State Department of Social Welfare in behalf of county welfare departments generally or by an organized group of recipients if the project is consistent with the purpose of this chapter and meets the criteria established pursuant to Section 402. Any county will be expected to meet at least the cost of equipment, supplies and facilities required by the staff engaged in carrying out any project approved pursuant to this chapter, except (1) with respect to those plans submitted by an organization of recipients, and (2) that state funds may be used to defray the entire cost of any project which is undertaken by a group of counties or is directed by the State Department of Social Welfare in behalf of county welfare departments generally or is directed by a recognized institution of higher learning. To the extent this section authorizes the State Department of Social Welfare or a recognized institution of higher learning to undertake and direct a project in behalf of county welfare departments, the provisions of Section 402 shall not apply to such projects.

SEC. 4. Section 402 of said code is amended to read:

402. The State Social Welfare Board, in conjunction with the State Department of Social Welfare, shall develop and publish criteria for the submission and approval of county plans for projects proposed to be undertaken pursuant to this chapter. Such criteria shall be so devised as to encourage and stimulate local efforts to improve staff performance and to undertake new and experimental activities specifically designed to increase family responsibility and capacity for self-care.

Criteria shall include those plans which may be submitted by organizations of recipients within the county, when in the judgment of the Director of the State Department of Social Welfare, such plans will contribute to increased social responsibility on the part of the recipients and increased knowledge concerning the rights and responsibilities of citizens.

In order to qualify for state participation in the cost of any local project or activity, the county shall submit a plan to the State Department of Social Welfare which shall provide the following assurances:

(1) The project or activity will be undertaken and directed by the county welfare department, with the exception of those plans submitted by an organization of recipients.

(2) None of the state funds will be used to offset or reduce the amount of county funds currently applied to or budgeted for ongoing administrative activities and services.

(3) The employment of personnel with qualifications consistent with the disciplines required by the project, with the exception of plans submitted by organizations of recipients in which case the department shall be responsible for evaluative functions.

(4) A system for maintaining records and methods of analyses which will permit accurate and regular evaluations of the results achieved by the project or activity.

SEC. 5. Section 403 of said code is amended to read:

403. Among the county projects approved by the department priority shall be given to those which involve:

(a) Efforts to minimize as much as possible within the limits of state and federal laws the administrative differences between the several categories of assistance;

(b) Demonstrations in providing family service programs;

(c) Employment counseling, training, and placement programs for public welfare recipients;

(d) Extension of rehabilitation and self-care services for handicapped and incapacitated persons not accepted for services offered by the Bureau of Vocational Rehabilitation of the State Department of Education;

(e) Efforts designed to give particular attention to the family where dependency is associated with illegitimacy, parental behavior, delinquency and other family relationship problems.

(f) Coordinated use of medical, psychiatric, and casework services with public welfare recipients;

(g) Development of caseload management and case classification programs;

(h) Homemaker services for families and adults;

(i) Protective services for both children and adults;

(j) Projects demonstrating use of preventive services related to dependency, family breakdown, or personal maladjustment; and

(k) Participation of county welfare departments in community service programs particularly in approaches to problems of underprivileged presented by recipients from minority groups.

SEC. 6. The chapter heading of Chapter 3 (commencing with Section 18200) of Part 6 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:

CHAPTER 3 DEMONSTRATION PROJECTS IN PUBLIC ASSISTANCE

SEC. 7. Section 18200 of Division 9 of said code as proposed by said bill is amended to read:

18200. The Legislature recognizes the necessity to improve the administration of public assistance so as to minimize dependency and reduce the total costs of public welfare services by restorative and preventive measures, and to expand protective services for children and adults.

It is the intent of the Legislature in enacting this chapter to provide state assistance to counties to encourage them to establish demonstration and experimental projects calculated to achieve the objectives stated in this section and to strengthen, extend, and improve public welfare services and their administration.

It is also the intent of the Legislature to encourage and aid, within the limitations of this chapter, organizations of re-

cipients to conduct demonstration and experimental projects designed to promote a more effective and efficient system of public aid and services. The Legislature intends to encourage the participation of individuals on public assistance to the fullest extent in the workings of the public welfare program and through this chapter hopes to provide a mechanism for organized groups of recipients to mobilize their resources and through concerted and cooperative action contribute to solutions to the economic, social and personal problems which tend to prolong dependency.

SEC. 8. Section 18201 of Division 9 of said code as proposed by said bill is amended to read:

18201. The department may authorize the payment of state funds to defray in whole or in part the cost of a project undertaken by the county department of any county or by the county departments of a group of counties or by the department in behalf of county departments generally or by an organized group of recipients, if the project is consistent with the purpose of this chapter and meets the criteria established pursuant to Section 18202. Any county shall meet at least the cost of equipment, supplies, and facilities required by the staff engaged in carrying out any project approved pursuant to this chapter, except (1) with respect to those plans submitted by an organization of recipients, and (2) that state funds may be used to defray the entire cost of any project which is undertaken by a group of counties or is directed by the department in behalf of county departments generally or is directed by a recognized institution of higher learning. To the extent this section authorizes the department or a recognized institution of higher learning to undertake and direct a project in behalf of county departments, the provisions of Section 18202 shall not apply to such projects.

SEC. 9. Section 18202 of Division 9 of said code as proposed by said bill is amended to read:

18202. The department shall develop and publish criteria for the submission and approval of county plans for projects proposed to be undertaken pursuant to this chapter. Such criteria shall be so devised as to encourage and stimulate local efforts to improve staff performance and to undertake new and experimental activities specifically designed to increase family responsibility and capacity for self-care.

Criteria shall include those plans which may be submitted by organizations of recipients within the county, when in the judgment of the director, such plans will contribute to increased social responsibility on the part of the recipients and increased knowledge concerning the rights and responsibilities of citizens.

In order to qualify for state participation in the cost of any local project or activity, the county shall submit a plan to the department which shall provide the following assurances:

(1) The project or activity will be undertaken and directed by the county welfare department, with the exception of those plans submitted by an organization of recipients.

(2) None of the state funds will be used to offset or reduce the amount of county funds currently applied to or budgeted for ongoing administrative activities and services.

(3) The employment of personnel with qualifications consistent with the disciplines required by the project, with the exception of plans submitted by organizations of recipients in which case the department shall be responsible for evaluative functions.

(4) A system for maintaining records and methods of analyses which will permit accurate and regular evaluations of the results achieved by the project or activity.

SEC. 10. Section 18203 of Division 9 of said code as proposed by said bill is amended to read:

18203. Among the county projects approved by the department, priority shall be given to those which involve:

(a) Efforts to minimize as much as possible, within the limits of state and federal laws, the administrative differences between the several categories of assistance;

(b) Demonstrations in providing family service programs;

(c) Employment counseling, training, and placement programs for public assistance recipients;

(d) Extension of rehabilitation and self-care services for handicapped and incapacitated persons not accepted for services offered by the Department of Rehabilitation;

(e) Efforts designed to give particular attention to the family where dependency is associated with illegitimacy, parental behavior, delinquency, and other family relationship problems;

(f) Coordinated use of medical, psychiatric, and casework services with public assistance recipients;

(g) Development of caseload management and case classification programs;

(h) Homemaker services for families and adults;

(i) Protective services for both children and adults;

(j) Projects demonstrating use of preventive services related to dependency, family breakdown, or personal maladjustment; and

(k) Participation of county departments in community service programs, particularly in approaches to problems of the underprivileged presented by recipients from minority groups.

SEC. 11. Sections 6, 7, 8, 9, and 10 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 400, 401, 402, and 403 of the Welfare and Institutions Code as amended by Sections 2, 3, 4 and 5 of this act are repealed.

CHAPTER 1950

An act to amend Section 8406 of the Elections Code, relating to county central committees.

[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 8406 of the Elections Code is amended to read:

8406. In each county the nominee of the party for State Senator or the incumbent State Senator, the nominees of the party for the Assembly, and any person elected to either the Senate or Assembly at a special election to fill a vacancy in that house shall be ex officio members of the county central committee. If the person elected from one party at the special election for an Assembly or Senate seat shall be other than the nominee of that party for the same office at the prior election, the ex officio membership of the nominee shall expire immediately upon certification by the Secretary of State of the election. Ex officio members shall be entitled to all the rights and privileges, including the right to vote, and shall have the same standing in every way as other members of the county central committee, except they shall not be entitled to a ballot designation of incumbent upon seeking election in the next direct primary.

CHAPTER 1951

An act to add Section 13109.6 to the Government Code and to add Section 14672.2 to Part 5.5 (commencing with Section 14600) of Division 3 of Title 2 of the Government Code as proposed by Assembly Bill 1124 of the 1965 Regular Session, relating to letting of state property, 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 13109.6 is added to the Government Code, to read:

13109.6. Notwithstanding Section 13109, the Director of General Services, with the consent of the Department of Mental Hygiene, may let to the City of Costa Mesa for a public purpose real property which belongs to the state and which is retained by the state primarily to provide a peripheral buffer area, or zone, between real property upon which is lo-

cated a state hospital and adjacent real property, when the director deems such letting is in the best interests of the state.

The lease shall be for a period not to exceed 20 years but the lease may provide for the renewing of the lease for an additional period not to exceed 20 years.

SEC. 2. Section 1 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:

In order to provide for the initiation of proceedings for the development of state hospital property for public purposes beneficial to the state hospital and to the city in which the state hospital is located during the current fiscal year it is necessary that this act take effect immediately.

SEC. 3. Section 14672.2 is added to Part 5.5 (commencing with Section 14600) of Division 3 of Title 2 of the Government Code as proposed by Assembly Bill 1124 of the 1965 Regular Session, to read:

14672.2. Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Mental Hygiene, may let to the City of Costa Mesa for a public purpose real property which belongs to the state and which is retained by the state primarily to provide a peripheral buffer area, or zone, between real property upon which is located a state hospital and adjacent real property, when the director deems such letting is in the best interests of the state.

The lease shall be for a period not to exceed 20 years but the lease may provide for the renewing of the lease for an additional period not to exceed 20 years.

SEC. 4. Section 3 of this act shall become operative only if the Legislature enacts Assembly Bill 1124 at its 1965 Regular Session, and in such case at the same time as Assembly Bill 1124 takes effect; in which event Section 13109.6 of the Government Code as added by Section 1 of this act is repealed.

CHAPTER 1952

An act to add Section 17200.5 to 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 17200.5 is added to the Education Code, to read:

17200.5. For purposes of determining excess cost reimbursements pursuant to Chapters 7.1, 8 and 9 of Division 6

of this code, the Superintendent of Public Instruction shall require the use of a uniform cost accounting procedure, including requirements that:

(a) The salaries of certificated and classified personnel allocated to the costs of special education programs shall include only those of personnel whose full-time duties are assigned directly to the special programs, except that the Department of Education shall authorize, upon substantiated evidence being presented, the proration of certificated and classified salaries in proportion to the time spent on special education programs.

(b) Retirement costs shall be allocated to the costs of special education programs pursuant to subdivision (a).

(c) Nonsalary costs of special education programs shall be computed by either of the following:

(1) Direct assignment of the costs of classroom material and other specific items.

(2) Indirect proration on the basis of the average daily attendance of special education pupils of the costs of nonspecific items, including but not limited to fuel, electricity and water.

(d) There shall be a uniform method for computing the excess costs of special transportation pursuant to Section 18060.

CHAPTER 1953

An act to add Section 71.5 to 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 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 71.5 is added to the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), to read:

71.5. No employee of the district who was previously employed by another governmental agency and was transferred to the district when it was formed and took over functions previously performed by such other agency shall be discharged, except for cause, or transferred to any position of a lesser class.

Nothing in this section shall prevent the district from employing an independent contractor to provide services of a professional, scientific or technical nature where the district has determined that it is impractical to have such service furnished by a person employed or to be employed in the classified service and the employment of such independent contrac-

tor will not require the removal, suspension, layoff or transfer of any employee in the classified service or the elimination of any classification thereof.

This section shall not apply to any employee of the district who is or has been employed by another governmental agency in substantially the same class of position and rate of pay as the position held, and pay received, while employed by the district.

CHAPTER 1954

An act to add Section 6503.7 to the Welfare and Institutions Code, relating to state hospitals, 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 6503.7 is added to the Welfare and Institutions Code, to read:

6503.7. The Director of General Services with the consent of the Department of Mental Hygiene is hereby authorized to transfer to the City of Costa Mesa and to convey to said city all of the state's rights, title and interest, and upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services may be in the best interest of the state, and subject to such use or uses as may be agreed upon by the city and the Department of Mental Hygiene with the approval of the Director of General Services, in all or any part of the real property consisting of approximately five acres lying at the southwest corner of the Fairview State Hospital property in Orange County, being a parcel of land lying within Lot A of the Banning Tract, in the Rancho Santiago de Santa Ana, City of Orange, State of California, as shown on a map of said tract filed in action No. 6385 in the Superior Court of the State of California in and for the City of Los Angeles, being an action for partition entitled Hancock Banning et al. vs. Mary H Banning, more particularly described as follows:

Beginning at the most southeasterly corner of Parcel G as shown on a record of survey filed in Book 53, pages 34 through 36, of records of Surveys in the office of the County Recorder of Orange County, California; thence along the boundary of said Parcel G northwesterly along a curve concave southwesterly having a radius of 540.00 feet through a central angle of 23 degrees, 01 minutes, 33 seconds, an arc distance of 217.01 feet, thence north 34 degrees, 32 minutes, 30 seconds west, 97.50 feet to a point on a line parallel with and 280.00 feet measured at right angles northerly of the north line of Fairview Farms as shown on said record of Survey; thence de-

parting from the boundary of said Parcel G north 89 degrees, 27 minutes, 30 seconds east along said parallel line 936.97 feet; thence south 0 degrees, 32 minutes, 30 seconds east, 280.00 feet to said north line of Fairview Farms; thence south 89 degrees, 27 minutes, 30 seconds, west, 800.00 feet to the point of beginning.

The conveyance of such property shall be subject to the following conditions:

(a) There shall be excepted and reserved in the state all deposits of minerals, including oil and gas, in the property and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the property.

(b) If the city shall cease to use the property for public purposes, all right, title, and interest of the county in and to the property shall cease and the property shall revert and rest in 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:

In order to provide for the initiation of proceedings for the development of state hospital property for public purposes beneficial to the state hospital and to the city in which the state hospital is located during the current fiscal year and in order to enable local authorities to provide improved fire protection to the state hospital by installing firefighting equipment in closer proximity thereto, it is necessary that this act take effect immediately.

CHAPTER 1955

An act to amend Section 28103 of the Government Code, relating to compensation of county officers.

[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 28103 of the Government Code is amended to read:

28103. In a county of the third class each supervisor shall receive as compensation for the services required of him by law or by virtue of his office fourteen thousand five hundred dollars ($14,500) a year. All other 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.

The fees of grand jurors and trial jurors in the superior court are five dollars ($5) and necessary common carrier fare

for each day's attendance upon the court or a session of the grand jury and a charge against the county and paid from county funds unless deposited by litigants or otherwise provided for. Fees of jurors for services rendered in any calendar month are payable on or about the first day of the following month, as certified to by the district attorney as to grand jurors and as certified to by the clerk of the superior court as to trial jurors.

CHAPTER 1956

An act to amend Section 70060 of the Public Utilities Code, relating to the Marin County 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 70060 of the Public Utilities Code is amended to read:

70060. The governing body of the district shall consist of the members of the board of supervisors and two members, who shall be a mayor or councilman of a city, selected by the city selection committee which selects the city members of the local agency formation commission in the county pursuant to Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5, of the Government Code. The chairman of the board of supervisors shall be the chairman of the board of directors of the district. The county auditor shall be ex officio auditor of the district, the county tax collector-treasurer shall be ex officio tax collector-treasurer of the district and the county clerk shall be the ex officio clerk of the district.

SEC. 2. The city selection committee shall meet within 60 days after the effective date of this act for the purpose of making the first appointments of the two members of the governing body of the Marin County Transit District added to the governing body by this act.

CHAPTER 1957

An act to amend Sections 11104 and 11110 of, and to add Section 11100.5 to, the Vehicle Code, relating to driving 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 11100.5 is added to the Vehicle Code, to read:

11100.5. Whenever it is necessary for a driving school or independent driving instructor to be certified by the Department of Education, or any agency thereof, in order to participate in any state or federal program directed at training or retraining persons in occupational skills, licensing or certification by the Department of Motor Vehicles pursuant to this chapter may operate to fully qualify such school or instructor to participate in the program.

Costs incurred by the department in exercising its functions pursuant to this section shall be borne by the applicant for licensing or certification, and the department may charge the applicant a reasonable fee therefor.

SEC. 2. Section 11104 of said code is amended to read:

11104. Every person in order to qualify as an instructor for a driving school or as an independent instructor as provided for in Section 11105.5 of this code shall meet the following requirements:

(a) Be of good moral character.

(b) Within three attempts, pass such examination as the department shall require on traffic laws, safe driving practices, operation of motor vehicles, and teaching methods and techniques.

(c) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

(d) Hold a valid California driver's license, and not be on probation to the department as a negligent operator.

(e) Pay to the department an application fee of ten dollars ($10).

(f) On and after January 1, 1960, be 21 years of age or older.

(g) 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.

SEC. 3. Section 11110 of said code is amended to read:

11110. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this chapter:

(a) Whenever the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) Whenever the licensee fails to keep the records required by this chapter.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this chapter or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the department, or whenever the licensee advertises in any manner or means whatever any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the department or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or of violating Sections 20001, 20002, 20003, 20004, 20005, 20006, 23104, 23105, or 23106 of this code or Sections 192 or 193 of the Penal Code.

(h) Whenever the licensee has been convicted of any crime, does any act or series of acts, or is guilty of conduct, which conviction, action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties or lack of good moral character even though unrelated to proper performance of such occupational duties, and whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer or board makes a specific finding as to the manner in which the conviction, action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

(i) Whenever contrary to provisions of this code or of regulations established by the department, the licensee teaches or permits a student to be taught the specific tests administered by the department through use of the department's forms or testing facilities

---

CHAPTER 1958

An act to add Sections 8445 and 8446 to the Elections Code, relating to county central committees.

[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 8445 is added to the Elections Code, to read:

8445. Each county central committee of a qualified political party with which there are registered as affiliated 3,500,000 or more voters may establish annual dues not to exceed twenty-four dollars ($24) per year for elected and alternate members. The committee may remove members or alternates for nonpayment of dues.

SEC. 2. Section 8446 is added to said code, to read:

8446. Alternate members of a county central committee of any qualified political party shall not use the designation "alternate county central committee member," or other similar designation, on the ballot, when running for nomination or election to any office, including a position on the county central committee.

CHAPTER 1959

An act to amend Section 647 of the Penal Code, relating to sex offenses.

[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 647 of the Penal Code is amended to read:

647. Every person who commits any of the following acts shall be guilty of disorderly conduct, a misdemeanor:

(a) Who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(b) Who solicits or who engages in any act of prostitution. As used in this subdivision, "prostitution" includes any lewd act between persons of the same sex for money or other consideration.

(c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.

(d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(e) Who loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by any peace officer so to do, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety demands such identification.

(f) Who is found in any public place under the influence of intoxicating liquor, or any drug, or the combined influence of intoxicating liquor and any drug, in such a condition that he is unable to exercise care for his own safety or the safety of others, or by reason of his being under the influence of intoxicating liquor, or any drug, or the combined influence of intoxicating liquor and any drug, interferes with or obstructs or prevents the free use of any street, sidewalk or other public way.

(g) Who loiters, prowls or wanders upon the private property of another, in the nighttime, without visible or lawful

business with the owner or occupant thereof; or who, while loitering, prowling or wandering upon the private property of another, in the nighttime, peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof.

(h) Who lodges in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.

CHAPTER 1960

An act to add Sections 6010.5 and 6016.5 to the Revenue and Taxation Code, relating to sales and use taxes.

[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 6010.5 is added to the Revenue and Taxation Code, to read:

6010.5. For the purposes of this part, the place of the sale or purchase of tangible personal property is the place where the property is physically located at the time the act constituting the sale or purchase, as defined in this part, takes place.

SEC. 2. Section 6016.5 is added to said code, to read:

6016.5. Notwithstanding any other provision of law, "tangible personal property," for purposes of this part, does not include telephone and telegraph lines, electrical transmission and distribution lines, and the poles, towers, or conduit by which they are supported or in which they are contained.

SEC. 3. Section 2 of this act shall be for prospective application. The law as it existed prior to the effective date of Section 2 shall continue in full force and effect and as if Section 2 had not been enacted, as respects the application of sales and use taxes to sales of telephone and telegraph lines, electrical transmission and distribution lines, and the poles, towers, or conduit by which they are supported or in which they are contained, and as respects the application of sales and use taxes to tangible personal property sold or purchased and used in the performance of construction contracts for the construction of such lines, poles, towers or conduit, when the contract of sale for the lines, poles, tower or conduit or the contract for the construction thereof was validly entered into before the effective date of this act.

CHAPTER 1961

An act to add Section 11525.2 to the Business and Professions Code, relating to subdivisions.

[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 11525.2 is added to the Business and Professions Code, to read:

11525.2. A city or county may adopt an ordinance requiring a subdivider and his successors who within three years, or less, as prescribed by the ordinance, develop or complete the development of a subdivision comprised of a single parcel or contiguous parcels having more than 400 dwelling units within a single school district, which maintains an elementary school, to dedicate to the school district, within which such subdivision is to be located, such land as the local governing body shall deem to be necessary for the purpose of constructing thereon schools necessary to assure the residents of the subdivision adequate elementary school service. Such ordinance shall be applicable only to a subdivider and his successors who have owned the land being subdivided for less than 10 years prior to the filing of the tentative maps in accordance with Article 4 (commencing with Section 11550) of this chapter. The requirement of dedication shall automatically terminate unless the school district shall enter into a binding commitment with the subdivider to accept the dedication within 30 days after the requirement is imposed by the city or county. The required dedication may be made at any time prior to the construction of the 401st dwelling unit. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

(a) The cost of any improvements to the dedicated land since acquisition by the subdivider.

(b) The taxes assessed against the dedicated land from the date demand for dedication is made.

(c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

"Dwelling unit" as used in this section means a place of residence and may be located in either a single or multiple dwelling unit building.

If any person is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this section, he may bring a special proceeding in the superior court pursuant to Section 11525.

CHAPTER 1962

An act to amend Section 1027 of the Penal Code, relating to court-appointed psychiatrists.

[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 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, and may select and appoint three, psychiatrists to examine the defendant and investigate his sanity. It is the duty of the psychiatrists 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 psychiatrists so appointed by the court shall be allowed, in addition to their actual traveling expenses, such fees as in the discretion of the court seems 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 attorney in such action, they shall only be entitled to such witness fees as may be allowed by the court.

Any psychiatrist 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 psychiatrist, as deemed necessary, but either party shall have the same right to object to the questions asked by the court and the evidence adduced as though the psychiatrist were a witness for the adverse party. When the psychiatrist is called and examined by the court the parties may cross-examine him in the order directed by the court. When called by either party to the action the adverse party may examine him the same as in the case of any other witness called by such party.

CHAPTER 1963

An act to add Section 138.5 to the Civil Code, relating to child visitation rights of parents of deceased parent following a divorce or separate maintenance action.

[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 138.5 is added to the Civil Code, to read:

138 5. If subsequent to the granting of a divorce or separate maintenance, one of the parties to the marriage dies and there is then living a minor child of the marriage, the parents of such deceased party may have reasonable visitation rights to the child of such marriage during its minority, if the court finds that such visitation rights would be in the best interests of the child.

CHAPTER 1964

An act to amend Sections 7392 and 7393 of, and to add Section 7393.3 to, the Business and Professions Code, relating to the practice of cosmetology.

[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 7392 of the Business and Professions Code is amended to read:

7392. The certificate of registration and license authorizes the school of cosmetology or the school of electrology holding it to transact operations in this state only on the premises approved by the board during the year or fraction thereof for which it is issued, subject to the rules and regulations of the board. In the event the holder of the school of cosmetology or school of electrology license proposes to conduct a part of his school activity on premises other than those heretofore licensed by the board, then such licensee shall obtain an additional license for the newly proposed premises as a school of electrology or a school of cosmetology.

Nothing in this article shall be construed as authorization or permission to conduct a school of cosmetology or a school of electrology without a valid, existing, and unexpired certificate of registration covering the premises where such school is conducted.

SEC. 2. Section 7393 of said code is amended to read:

7393. Every school of cosmetology shall, at all times, be in charge of and under the immediate supervision of a licensed

cosmetology instructor, who has had at least a total of two years of continuous teaching experience in all branches of cosmetology, except electrology, in a licensed school in this state, after being duly licensed as an instructor under this chapter. Any person who, within a five-year period next immediately preceding the enactment of this section, has been registered with the board as a supervising instructor, shall be deemed to have the teaching experience required by this section.

Every person who instructs students in a school of cosmetology shall be a licensed cosmetologist who holds a valid California license:

(a) Who is not less than 21 years of age.

(b) Who has had at least 600 hours of teacher training in an approved school of cosmetology in this state or one year of practical experience in all branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment.

(c) Who has passed an instructor's examination given by the board and has received an instructor's license. In order to take the instructor's examination, the examination fee shall be paid.

(d) Who is of good moral character and temperate habits.

All instructors shall be continuously engaged in teaching students in theoretical or practical work. Except when instructing a student and the student is doing the manual work, no instructor may practice upon a patron and any instructor who does so is subject to disciplinary action by the board.

Before any school of cosmetology license, as provided herein shall be finally granted, a second inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

No applicant shall be granted a license to operate a school of cosmetology unless, in the opinion of the board, sufficient equipment has been installed for the requirements of enrolling a minimum of not less than 25 bona fide students; and provided further, that the floor space shall provide a separate lecture room and a separate locker room with sufficient space for the proper placement of said equipment.

No school of cosmetology shall be licensed until the board has had ample opportunity to verify sworn statements as to the actual ownership and in this respect, if false statements are submitted to the board in connection with said application, this in itself shall constitute sufficient grounds for the refusal to grant any application hereunder, or if an application is granted and thereafter the board discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of said school of cosmetology license even though it is detected after a license has been issued.

The board reserves the right to deny a school of cosmetology license to any applicant who fails to present satisfactory evidence of personal integrity and moral responsibility, and in

the event that the said applicant is a corporation, this shall apply to all the officers thereof; provided further, that no school of cosmetology license shall be issued until the real owner files with the department a statement definitely designating who is authorized to accept service of notice from the said board and to transact all business negotiations in behalf of said school, including answers to citations for hearing, and compliance with rulings issued by the said board.

No school of cosmetology shall advertise student work to the public for pay through any medium including radio, unless the work advertised is expressly designated as student work.

SEC. 3. Section 7393.3 is added to said code, to read:

7393.3. No applicant shall be granted a license to operate a school of cosmetology unless he first presents to the board 25 bona fide applications for enrollment as students for a course of training of the minimum number of hours required by this chapter for licensing as a cosmetologist.

Such proposed students shall not have been enrolled in a school of cosmetology within one year immediately preceding the date of the bona fide application.

This section shall not apply to a transfer of an existing school license from premises to new premises, or a transfer of an existing school to a new owner or ownership.

CHAPTER 1965

An act to amend Section 1565 of the Elections Code, relating to election precincts.

[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 1565 of the Elections Code is amended to read:

1565. Whenever in a statewide primary or general election, the ballots are to be counted at a central place, either manually or by automatic mechanical or electrical devices, or whenever mechanical voting devices are used to mark ballots at the polling places, election precincts may be consolidated or formed, but no such precinct shall be formed or consolidated to contain more than 600 voters.

CHAPTER 1966

An act to amend Section 7153.2 of the Financial Code, relating to savings and loan association loan 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 7153.2 of the Financial Code is amended to read:

7153.2. An association may make amortized loans upon the security of real property upon which there is located a structure designed for residential use of one family and upon which there is not located any other structure designed or used in whole or in part for use as a dwelling or any structure designed or used in whole or in part for any business use or for any use not ancillary to the residential use aforesaid in an amount not in excess of (a) twenty-six thousand five hundred dollars ($26,500), or (b) ninety percent (90%) of the appraised value of the real property up to and including twenty-five thousand dollars ($25,000) plus eighty percent (80%) of so much of such appraised value as exceeds twenty-five thousand dollars ($25,000), or (c) ninety percent (90%) of the purchase price up to and including twenty-five thousand dollars ($25,000) plus eighty percent (80%) of so much of the purchase price as exceeds twenty-five thousand dollars ($25,000), whichever is lowest. The borrower shall make a certification in writing that he intends to occupy the property as his home and that no lien or charge upon the property other than the lien of the association has been given or executed by him. The loan shall require repayment in monthy payments. Each such payment shall include the monthly proration of annual taxes and hazard insurance premiums in advance until the unpaid balance of such loan shall have been reduced to eighty percent (80%) of the original appraised value or the purchase price, whichever is less, of such property.

No association shall have such investments under this section aggregating at any one time more than 5 percent of its total assets. Whenever the unpaid balance of any such loan made under this section shall have been reduced to 80 percent of the original appraised value or the purchase price, whichever is less, of such property, such loan may be removed from the above imposed limitation of assets.

A loan under this section may be made to finance the construction of a structure described in the first paragraph hereof, but the amount by which such a loan exceeds eighty percent (80%) of the appraised value of the real property shall not be disbursed unless and until construction has been fully completed. If the loan is made to finance construction of such structure for sale the borrower need not certify that he intends to occupy the property as his home, but the amount by which

such loan exceeds eighty percent (80%) of the appraised value of the real property shall not be disbursed unless and until construction has been fully completed, the property has been sold and title has been conveyed to a purchaser who has executed an agreement with the association assuming and agreeing to pay the loan, and there is then compliance with all of the provisions of the first paragraph hereof.

CHAPTER 1967

An act to add Article 5.5 (commencing with Section 8775) to Chapter 15 of Division 3 of, and to repeal Sections 8730.5 and 8730.6 of, the Business and Professions Code, relating to land surveying.

[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 8730.5 of the Business and Professions Code is repealed.

SEC. 2. Section 8730.6 of said code is repealed.

SEC. 3. Article 5.5 (commencing with Section 8775) is added to Chapter 15 of Division 3 of said code, to read:

Article 5.5. Photogrammetry

8775. No person shall use the title of photogrammetrist or photogrammetric surveyor unless he holds registration as a civil engineer or licensed land surveyor, or unless he is licensed under Section 8775.3.

8775.1. Persons meeting the requirements of this article may engage in and perform all photogrammetric services germane to this chapter, either as individuals, employees, or as independent contractors; provided, however, that the field surveys to be done are performed by registered civil engineers or licensed land surveyors, and in the preparation of any topographic map which contains the delineation of property corners or a property boundary or boundaries the work is certified or attested to by a registered civil engineer or land surveyor.

8775 2. Maps, documents, or reports prepared by, or under the direction of, a licensed photogrammetric surveyor shall carry his signature and certificate number which will indicate his responsibility for the work.

8775 3. Persons holding a certificate of exemption under the provisions of Section 8730.6, as that section read on January 1, 1965, shall be issued a photogrammetric surveyor license as herein prescribed, without examination or fee; provided such certificate is presented and surrendered to the board prior to January 1, 1966.

Each person so registering shall be issued a suitable license bearing the signatures of the president and secretary of the board, which license shall entitle the holder thereof to practice under this article as a photogrammetric surveyor.

All such licenses shall be renewable upon payment of the fee fixed by the board for which a renewal certificate shall be issued. Photogrammetric surveyor license fees shall be the same as those prescribed for land surveyor's licensing; and the provisions of this chapter relating to revenue, and with respect to disciplinary proceedings, shall similarly apply.

SEC. 4. Any revenue derived from the fees or assessments provided by this act shall not be available for expenditure until appropriated.

CHAPTER 1968

An act to amend Section 11580.1 of the Insurance Code, relating to motor vehicle 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 11580.1 of the Insurance Code is amended to read:

11580.1. No policy of liability insurance covering liability arising out of the ownership, maintenance or use of any motor vehicle shall be issued or delivered in this state to the owner of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state, upon any motor vehicle then principally garaged or principally used in this state unless it contains the following provisions:

(a) Provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code.

(b) Provision designating by explicit description or by appropriate reference all motor vehicles with respect to which coverage is intended to be granted.

(c) Provision designating by explicit description the purposes of use of such motor vehicles with respect to which coverage is not intended to be granted.

(d) Provision insuring the insured named therein and to the same extent that coverage is afforded such named insured in respect to said described motor vehicles, any other person using, or legally responsible for the use of, said motor vehicles, provided the motor vehicles are being used by the named insured or with his permission, express or implied.

(e) Notwithstanding the foregoing subdivisions, the insurer and any named insured may, by the terms of such policy or by a separate writing, agree that coverage under the policy shall

not apply while said motor vehicles are being used by a natural person or persons designated by name. Such agreement by any named insured shall be binding upon every insured to whom such policy applies.

(f) Where two or more policies are applicable to the same loss and one of such policies affords coverage to a named insured engaged in selling, repairing, servicing, delivering, testing, road testing, parking, or storing automobiles, such policies may contain a provision that the insurance coverage applicable to such motor vehicles afforded a person other than the named insured or his agent or employee shall not be applicable if there is any other valid and collectible insurance applicable to the same loss covering such person as a named insured or as an agent or employee of a named insured under a policy with limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code; and in such event, the two or more policies shall not be construed as providing cumulative or concurrent coverage and only that policy which covers the liability of such person as a named insured, or as an agent or employee of a named insured, shall apply. In the event there is no such other valid and collectible insurance, the coverage afforded a person other than the named insured, his agent or employee, may be limited to the financial responsibility requirements specified in Section 16059 of the Vehicle Code.

CHAPTER 1969

An act to amend Section 13602 of the Education Code, relating to employment in 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 13602 of the Education Code is amended to read:

13602. The governing board of a school district may during any school year increase the annual salaries of persons employed by the district in positions not requiring certification qualifications at any time; provided, the board has retained the right to increase the salaries of such employees during the school year by appropriate rules and regulations adopted by the board prior to the commencement of the school year or by appropriate provisions in the contracts of employment entered into with such employees.

If prior to the commencement of a school year the governing board of a school district is engaged in a study to increase the annual salaries for persons employed by the district in positions not requiring certification qualifications for that school year, and such study shall not be completed at the com-

mencement of the school year so that the governing board is able to fix such salaries on the basis of the study, the governing board may by contract or by appropriate rule or regulation do the following:

(a) Fix the salaries at any time during the school year as a result of the study.

(b) Provide that the salaries fixed as a result of the study shall be the salaries payable for the entire school year, including the period thereof in which the study was conducted.

(c) Provide for the payment to such employees during the period of such study of minimum salaries equal in amount to the salaries fixed for such employees during the preceding school year.

CHAPTER 1970

An act to amend Section 7851 of the Education Code, relating to morality 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 7851 of the Education Code is amended to read:

7851. Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of American citizenship, including kindness toward domestic pets and the humane treatment of living creatures, to teach them to avoid idleness, profanity, and falsehood, and to instruct them in manners and morals and the principles of a free government.

CHAPTER 1971

An act to amend Sections 22793 and 22810 of the Government Code, relating to coverage under the Meyers-Geddes State Employees' Medical and Hospital Care Act.

[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 22793 of the Government Code is amended to read:

22793. Each contract shall contain a detailed statement of benefits offered and shall include such maximums, limitations, exclusions, and other definitions of benefits as the board may deem necessary or desirable.

No contract shall be made or plan approved which excludes any person on account of his physical condition, age, race, or other status at the time of original group enrollment. Transfer of enrollment in any plan shall be open to all employees and annuitants in accordance with the provisions of Section 22813 of this code.

No contract shall be made or plan approved which does not offer to each annuitant whose enrollment in the plan is terminated other than by cancellation of enrollment, or each employee whose enrollment in the plan is terminated other than by cancellation of enrollment, voluntary separation from state service, or dismissal from state service for cause, the option to convert, without evidence of good health and within such time limits as are prescribed by the carrier and approved by the board, to a nongroup contract providing health benefits. An employee or annuitant who exercises this option shall pay the full periodic charges of the nongroup contract, on such terms or conditions as are prescribed by the carrier and approved by the board.

The benefits and coverage made available pursuant to the provisions of the above paragraph shall, at the option of the employee or annuitant, be continued in effect by the carrier except for fraud or nonpayment of periodic charges; provided, however, that in the case of a comprehensive group-practice prepayment plan, in which services are provided by a limited panel of physicians associated with the plan, it is recognized that it may be impossible or impractical to maintain acceptable physician-patient relationships with particular employees or annuitants or members of their families entitled to the benefits of continued conversion coverage under the foregoing provision. In any such case the plan may submit the question of ability to maintain adequate physician-patient relationships for consideration under the grievance procedure provided below, and in the event such grievance procedure shall result in a determination that such relationship cannot reasonably be maintained, then the plan shall have the right to provide such annuitant or employee with coverage, by contract with a service benefits plan or an indemnity carrier. Such coverage shall provide benefits substantially equivalent to the benefits available to annuitants or employees under the best conversion coverage offered by a service benefits plan or an indemnity benefit plan under this act at a prepayment rate not in excess of the rate charged by the comprehensive group-practice prepayment plan for the conversion coverage otherwise available to such annuitant or employee.

No contract shall be made or plan approved which does not provide for grievance procedures to protect the rights of employees and annuitants.

SEC. 2. Section 22810 of said 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.

CHAPTER 1972

An act to amend Section 684.1 of the Code of Civil Procedure, relating to enforcement of judgments.

[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 684.1 of the Code of Civil Procedure is amended to read:

684.1. The sheriff, constable or marshal shall enforce a judgment for the possession of personal property in the manner prescribed by Section 517 or as otherwise prescribed by law; provided that when the execution requires the delivery of possession of property used as a dwelling, such as a house trailer, mobilehome, or boat, then the sheriff constable or marshal shall, if the property be occupied place a keeper in charge of the property, at plaintiff's expense, for at least two (2) days, and at the expiration of said period shall remove its occupants and deliver possession to the plaintiff.

CHAPTER 1973

An act to amend Section 512 of the Code of Civil Procedure, relating to the taking of property in a claim and delivery action.

[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 512 of the Code of Civil Procedure is amended to read:

512. Upon a receipt of the affidavit and notice, with a written undertaking, executed by two or more sufficient sureties, approved by the sheriff, constable, or marshal receiving such affidavit and notice, to the effect that they are bound to the defendant in double the value of the property as stated in the affidavit for the prosecution of the action, for the return of the property to the defendants, if return thereof be adjudged, and for the payment to him of such sum as may from any cause be recovered against the plaintiff, such officer must forthwith take the property described in the affidavit, if it be in the possession of the defendant or his agent, and retain it in his custody. When the personal property is used as a dwelling, such as a house trailer, mobilehome, or boat, the same is to be taken 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. He must, without delay, serve on the defendant a copy of the affidavit, notice, and undertaking, by delivering the same to him personally, if he can be found, or to his agent from whose possession the property is taken; or, if neither can be found, by leaving them at the usual place of abode of either, with some person of suitable age and discretion, or, if neither have any known place of abode, by putting them in the post office, directed to the defendant.

CHAPTER 1974

An act to amend Section 710b of the Code of Civil Procedure, relating to property levied upon under execution claimed by one other than the judgment debtor.

[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 710b of the Code of Civil Procedure is amended to read:

710b. Where personal property levied upon under execution to satisfy a judgment for the payment of money is claimed,

in whole or in part, by a person, corporation, partnership or association, other than the judgment debtor, such claimant may give an undertaking as herein provided, which undertaking shall release the personal property in the undertaking described from the lien and levy of such execution

---

CHAPTER 1975

An act to amend Section 520 of the Code of Civil Procedure, relating to the sheriff's return after claim and delivery of personal 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 520 of the Code of Civil Procedure is amended to read:

520. The sheriff, constable, or marshal must file the notice, undertaking, and affidavit, with the undertaking for redelivery or money in lieu thereof, with his proceedings thereon, with the clerk or if there be no clerk, with the judge of the court in which the action is pending, within 20 days after taking the property mentioned therein.

CHAPTER 1976

An act to amend Section 21367 of the Vehicle Code, relating to flashing traffic signals.

[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 21367 of the Vehicle Code is amended to read:

21367. (a) Upon a finding by the governing board of any school district that traffic conditions in the vicinity of any schools in the district are hazardous to schoolchildren crossing streets or highways in such vicinity and a request is made by the school district, the Department of Public Works shall, with respect to highways under its jurisdiction, or local authorities shall, in their respective jurisdictions, make a study as to the hazards to schoolchildren from traffic on streets or highways adjacent to the schools.

(b) If the authority in charge of the highway determines that an official traffic control signal or flashing traffic signals would be justified as a protective measure, it shall place or

replace and maintain such official traffic control signals or flashing signals as are required. In the event the highway authorities find that the signals are not justified or that different measures should be taken they shall render a report to the governing board of the school district, advising them of their conclusions and the reasons therefor.

(c) One-half the cost to the Department of Public Works or local authorities of placing and replacing any flashing traffic signal pursuant to this section shall be borne by the school district requesting the placement of the signal.

(d) One-half the cost to the Department of Public Works or local authorities of placing or replacing any official traffic control signal pursuant to this section may be borne by the school district requesting the placement of the signal, provided the intersection or any portion of the signal location abuts school property.

CHAPTER 1977

An act to add Section 205.7 to the Revenue and Taxation Code, relating to blind veterans' tax exemption.

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

205.7. There is exempt from taxation property, constituting the home, of every resident of this state who is a veteran as specified in Section 1¼ of Article XIII of the Constitution, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service is blind in both eyes with visual acuity of 5/200 or less.

Where such a person sells or otherwise disposes of such property, constituting the home, and thereafter acquires, with or without assistance from the government of the United States, any other property which such person occupies habitually as a home, the exemption allowed pursuant to this section shall apply to such other property.

No person shall be eligible for such exemption unless he was a resident of California at the time of his entry upon military or naval service, or unless he has resided in this state for five years out of the nine years immediately preceding the date of his application for the exemption, or unless he was a resident of California at the effective date of this section.

This exemption includes the home of such a person owned in either joint, common or community interest with his or her spouse.

The exemption granted to any such person or any such person and his or her spouse shall not exceed five thousand dollars ($5,000) and shall not extend to more than one home.

An exemption granted to a claimant in accordance with the provisions of this section shall be in lieu of any other property tax exemption to which the claimant may be entitled, and no property tax exemption may be claimed by any other person with respect to the same home for which an exemption has been granted under the provisions of this section.

There shall be granted to a claimant in accordance with the provisions of this section an exemption on property assessed on the first Monday in March, 1965, upon proper application by the claimant on forms provided by the board. If the claimant has already paid the tax on such property for the 1965–1966 fiscal year, such payment 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 1 of this act shall become operative only if the addition of Section 1¼b to Article XIII of the Constitution of the State of California proposed by Assembly Constitutional Amendment No. ___ is adopted by the electorate and in such case at the same time as Assembly Constitutional Amendment No. ___ takes effect.

CHAPTER 1978

An act to amend Section 1695 of the Labor Code, relating to farm labor 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 1695 of the Labor Code is amended to read:

1695. Every licensee must:

(1) Carry his license with him at all times and exhibit the same to all persons with whom he intends to deal in his capacity as a farm labor contractor prior to so dealing.

(2) File at the United States Post Office serving the address of the licensee, as noted on the face of his license, a correct change of address immediately upon each occasion said licensee permanently moves his address.

(3) Promptly when due, pay or distribute to the individuals entitled thereto, all moneys or other things of value entrusted to the licensee by any third person for such purpose.

(4) Comply on his part with the terms and provisions of all legal and valid agreements and contracts entered into between licensee in his capacity as a farm labor contractor and third persons.

(5) Have available for inspection by his employees and by the grower with whom he has contracted, a written statement in English and Spanish showing the rate of compensation he

receives from such grower and the rate of compensation he is paying to his employees for services rendered to, for, or under the control of such grower.

(6) Take out a policy of insurance with any insurance carrier authorized to do business in the State of California in an amount satisfactory to the commissioner, which insures said licensee against liability for damage to persons or property arising out of the licensee's operation of, or ownership of, any vehicle or vehicles for the transportation of individuals in connection with his business, activities, or operations as a farm labor contractor.

(7) Have displayed prominently at the site where the work is to be performed and on all vehicles used by the licensee for the transportation of employees, the rate of compensation the licensee is paying to his employees for their services, printed in both English and Spanish and in lettering of a size to be prescribed by the Department of Industrial Relations.

CHAPTER 1979

An act to add Section 1696.6 to the Labor Code, relating to farm labor 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 1696.6 is added to the Labor Code, to read:

1696.6. (a) No licensee shall recruit or solicit and transport an employee for farmwork unless he has first obtained, either orally or in writing, a bona fide order for such employment.

(b) Any farm labor contractor who recruits or solicits a farmworker without a bona fide order and induces him to be transported to a proposed jobsite and does not then provide employment for him shall pay wages to such farmworker at the agreed rate of pay for the job to which he was being transported and for the elapsed time from the point of departure with return to the same place.

CHAPTER 1980

An act to amend Section 9202 of the Education Code, relating to 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 9202 of the Education Code is amended to read:

9202. The Legislature finds that the use by any person, including a pupil, of any concealed electronic listening or recording device in any classroom of a public school without the prior consent of the teacher and the principal of the school having been obtained disrupts and impairs the teaching process and discipline in the public schools, and such use is prohibited. Any adult who willfully violates this section shall be guilty of a misdemeanor.

Any pupil violating this section shall be subject to suspension or expulsion from school.

CHAPTER 1981

An act to add Article 9 (commencing with Section 31135) to Chapter 1, Part 5, Division 12 of the Water Code, relating to county water 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. Article 9 (commencing with Section 31135) is added to Chapter 1, Part 5, Division 12 of the Water Code, to read:

Article 9. Sanitation Service

31135. A district may acquire, construct, and operate facilities for, or may contract with others for, the collection and disposal of the garbage, waste, and trash of the district and its inhabitants.

31136. The district may prescribe, revise, and collect rates or other charges for the services furnished pursuant to this article.

31137. The district may provide that such rates or charges may be collected with the water or sewer rates, or both, of the district and that all rates shall be billed upon the same bill and collected as one item, and that in the event of failure to pay the whole or any part thereof, the district may discontinue any and all services for which such bill is rendered.

31138. The district may determine that sanitary service may not be necessary or feasible for all residents or properties within the district and shall thereupon make a finding as to which type of customer or area shall be excluded from service.

31139. The district shall determine the types of wastes to be excluded from service.

31140. Any contract with other parties for the supplying of this service for the district shall be granted by public bid for such periods as the district determines is in the best interest of the district. In the event of failure to receive a suitable bid, the district may negotiate a contract for service.

CHAPTER 1982

An act to amend Section 15 of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915), relating to duties of district officers.

[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 15 of the Los Angeles County Flood Control Act (Chapter 755, Statutes of 1915) is amended to read:

Sec. 15. All contracts for any improvement or unit of work, except as hereinafter provided, estimated to cost in excess of ten thousand dollars ($10,000), shall be let to the lowest responsible bidder in the manner hereinafter provided. The said board of supervisors of said district shall advertise by five or more insertions in a daily newspaper of general circulation, or by two or more insertions in a weekly newspaper of general circulation, printed and published in said district, inviting sealed proposals for the construction of the improvement or work. The said 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 all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter, and shall also have the right to reject any and all bids not suitable to the best interests of the district. In the event all proposals are rejected or no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of ten thousand dollars ($10,000), or the work consists of channel protection, dam protection, temporary work, maintenance work, or of 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 force account. It shall be the duty of the purchasing agent of Los Angeles County, and ex officio the purchasing agent of Los Angeles County Flood Control District, unless otherwise ordered by the board of supervisors, to purchase for the district all materials, supplies, equipment and other personal property necessary to carry out the purposes of this act, except emergency purchases, and to engage independent contractors to perform sundry services for the district, where the aggregate cost of such work, exclusive of materials to be furnished by the district, does not exceed ten thousand dollars ($10,000). Said purchasing agent shall make all such purchases and contracts upon proper requisition therefor, signed by the chief engineer of the district.

Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any such work described in said report shall be prohibited by law, or be rendered contrary to the best interests of said district by some change of conditions in relation thereto, in which event said board of supervisors may, by vote of four-fifths of all the members thereof, order necessary changes made in such proposed work or improvements, and may cause new plans and specifications to be made and adopted therefor.

Any work or improvement provided for in this act may be located, constructed and maintained in, along or across any public road or highway in the County of Los Angeles, in such manner as to afford security for life and property, but the said board of supervisors of said district shall restore or cause to be restored such road or highway to its former state as near as may be, so as not to impair its usefulness.

The plans and specifications for any work proposed to be done, or improvements to be made, under this act, in any municipality in said district shall first be approved by the legislative body of such municipality before the commencement of such work or improvements, and before any contract shall be let therefor; provided, that in the event such legislative body shall refuse or neglect to approve the said plans and specifications for such work or improvement within 30 days after being requested by said board of supervisors so to do, then said board of supervisors shall omit the doing of such work or making of such improvements within such municipality, and such omission shall not affect the validity of its proceedings under this act, and the funds which were to be expended for such proposed work or improvement in said municipality may be expended elsewhere by said board of supervisors for carrying out the purposes of this act.

CHAPTER 1983

An act to add Section 10753 to the Education Code, relating to grades of pupils in 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 10753 is added to the Education Code, to read:

10753. When grades are given for any course of instruction taught in the public schools, the grade given to each pupil shall be the grade determined by the teacher of the course and the determination of the pupil's grade by the teacher, in the absence of mistake, fraud, bad faith, or incompetency, shall be final.

CHAPTER 1984

An act to amend Section 35002.5 of, and to add Section 35203.5 to, the Government Code, relating to annexation of territory by cities.

[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 35002.5 of the Government Code is amended to read:

35002.5. Territory shall not be deemed contiguous as the word "contiguous" is used in this chapter if the only contiguity is based on a strip of land over 300 feet long and less than 200 feet wide, such width to be exclusive of highways.

Territory shall be deemed contiguous as the word "contiguous" is used in this chapter if the area thereof is separated by territory within the boundaries of another city or if such area is separated from the boundaries of an annexing city by territory within the boundaries of another city; provided, such separating territory became within the boundaries of the other city prior to January 1, 1925; and further provided, such separating territory is not in excess of 200 feet in width at all its separating points; and providing, that said separating territory within said separating point is uninhabited as defined in Section 35303 of the Government Code.

Territory shall be deemed contiguous as the word contiguous is used in this chapter if such territory is separated from the boundaries of an annexing city by territories within the boundaries of another city provided such separating territory became within the boundaries of the other city prior to June 16, 1917 and further provided such separating territory is not in excess of 750 feet in width at all of its separating points and provided further that said territory is a part of the same unified school district as the largest portion of the city seeking to annex such territory.

SEC. 2. Section 35203.5 is added to said code, to read:

35203.5. Pursuant to this article a city may annex uninhabited noncontiguous territory owned by it for municipal purposes which lies within the boundaries of, and is part of the incorporated territory of, another city situated in the same county as the annexing city; provided, however, that the maximum amount of territory so annexed in any one proceeding shall not exceed 100 acres in area. Such uninhabited territory may be annexed in a single proceeding notwithstanding that it consists of more than one parcel of land, and notwithstanding that the parcels, if there are more than one, are not contiguous to each other.

Proceedings shall be commenced in the manner specified in Section 35203 except that prior to commencement of the proceedings, the legislative body of the city in which the territory

to be annexed lies shall, by a four-fifths vote, approve the transfer of the property to be annexed to the annexing city, and the record of such vote shall be transmitted to the board of supervisors together with the petition of the annexing city. A taxpayer in either city may object in the manner specified in Section 35205.

CHAPTER 1985

An act to amend Sections 243 and 245 of the Penal Code, relating to assaults on peace officers.

[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 243 of the Penal Code is amended to read:

243. A battery is punishable by fine of not exceeding one thousand dollars ($1,000), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer, and the person committing the offense knows or reasonably should know that such victim is a peace officer engaged in the performance of his duties, and such peace officer is engaged in the performance of his duties, the offense shall be punished by imprisonment in the state prison for not less than 1 nor more than 10 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.

SEC. 2. 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.

CHAPTER 1986

An act to amend Sections 5020 and 5021 of, and to add Section 5022.5 to, the Public Resources Code, relating to historical sites.

[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 5020 of the Public Resources 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 of Natural Resources, 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, landmark or point of historical interest.

4. To recommend to the department the qualifications for acceptance of registered historical buildings, landmarks and points of historical interest 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.

7. To recommend to the department those points of historical interest which it determines are qualified for a sign indicating "Point of Historical Interest" and appropriate directional signs.

(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. 2. Section 5021 of said code is amended to read:

5021. The department shall consider all recommendations made by the Historical Landmarks Advisory Committee and shall register historical landmarks and points of historical interest which in its judgment are of sufficient historical interest to warrant registration under this article. The department shall maintain a register which shall identify by number and description such historical landmarks and points of historical interest.

SEC. 3. Section 5022.5 is added to said code, to read:

5022.5. There shall be two categories of places of historical significance: the registered historical landmark and the registered point of historical interest. The location of the point of historical interest shall be designated by a sign indicating "Point of Historical Interest" with an appropriate direction, which sign shall be erected and maintained by the Department of Public Works, as to state highways, or the county authorities or city authorities, as to streets or highways under their jurisdictions. A local historical group or organization may raise a marker or plaque at a registered point of historical interest. Nothing herein shall require the signing of such points where parking is not available or where such signing would cause a traffic safety hazard or would interfere with the normal flow of traffic.

CHAPTER 1987

An act to amend Section 25502.5 of the Education Code, relating to adult education.

[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 25502.5 of the Education Code is amended to read:

25502.5. Each junior college shall provide for the education of pupils in the 13th and 14th grades and for the education of such adults and minors as may properly be admitted but who are not classifiable by grade.

Persons 21 years of age or over enrolled in less than 10 class hours as defined in Section 11451 in classes of any kind whatsoever maintained in connection with a junior college, except classes maintained in English and citizenship for foreigners, classes in elementary subjects, and classes which are required in order that the participant may qualify for a high school diploma, 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 on account of the attendance in the classes shall not exceed the estimated cost of all such classes maintained.

SEC. 2. This act is to be construed as effecting no change in existing law, but as being declaratory of existing law.

CHAPTER 1988

An act to add Article 7.7 (commencing with Section 417) to Chapter 2, Part 1, Division 1 of the Health and Safety Code, relating to regional dialysis centers.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

I hereby reduce the appropriation contained in Section 2 of AB 2202 from $1,100,000 to $25,000, in accordance with the following schedules:

I delete the amount of $350,000 in schedule (a) for construction of two dialysis centers;

I delete the amount of $300,000 in schedule (b) for equipment and development of home dialysis centers,

I delete the amount of $100,000 in schedule (c) for training and activation,

I reduce the amount in schedule (d) for operating expenses from $350,000 to $25,000.

With these deletions and reduction, I approve the bill.

EDMUND G. BROWN, Governor

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

SECTION 1. Article 7.7 (commencing with Section 417) is added to Chapter 2, Part 1, Division 1 of the Health and Safety Code, to read:

Article 7.7. Kidney Diseases—Chronic Uremia

417. Two regional dialysis centers, one in the northern and one in the southern part of the state, shall be established for the treatment of persons suffering from chronic uremia. Each such center shall be located in a metropolitan area and shall have an affiliation with a large hospital or medical school, but shall not be necessarily a physical part of such institution. These institutions, however, shall be able to provide a full range of medical, surgical and rehabilitation services. The State Department of Public Health shall only act as a granting agency for state funds which are appropriated for the establishment and the continuation of the two centers. The state department, upon the advice of the review committee which is provided for by Section 417.3, may contract with any such hospital or medical care institution for the administration and operation of one of the regional dialysis centers. It is not the intent of this section that any new hospital or medical school be established.

417.1. The dialysis centers shall be designed primarily to provide lifesaving dialysis services to approximately 30 patients in each center. Funds shall be provided for developing home dialysis treatment services for approximately 20 patients in each center and the necessary specialized personnel and equipment to operate each center. Funds for construction of the centers shall also be provided. The centers shall develop and utilize newer methods of dialysis designed to make the process more efficient and economical and shall take into account other applications of the procedure such as home dialysis. Centers may seek the active participation and consultation from industry in order to streamline equipment and procedures for greater efficiency.

417.2. The dialysis centers shall also serve to provide training for medical and nursing personnel who will carry out dialysis services in other communities in the state. The dialysis centers may also work in close cooperation with other medical specialists who are seeking ways to develop successful means of kidney transplantation Dialysis services are necessary as an adjunct to this type of medical investigation.

417.3. The Director of Public Health shall appoint a review committee, upon nomination of the represented party, not to exceed seven members, two of whom shall represent the California Medical Association, one to represent the University of California Administration, one to represent the National Kidney Disease Foundation in California, one to represent the State Department of Public Health, and two members to represent the lay public. The chairman of the committee shall be appointed by the Governor. This committee shall establish standards for the expenditure of state funds which are provided for the establishment and support of regional dialysis centers to assure the availability of specialized personnel, resources, and equipment necessary to enable such centers to

function and care for patients with severe uremia. The director shall choose from a list provided by the review committee the institutions which qualify under the standards established to receive grants of state funds to establish and continue a regional dialysis center. The review committee shall also examine periodically the performance of established regional dialysis centers and recommend continuation grants to the director. The members of the review committee shall serve for a two-year period and may be reappointed. Not more than half the membership of the committee shall be changed during any one year. The committee shall serve without compensation, but shall receive their necessary travel expenses.

417.4. The dialysis centers may also receive and make use of any outside source of funds which may become available from federal, voluntary, philanthropic, or other sources in order to augment state funds.

417.5 No resident of this state shall be denied treatment in either of the two regional dialysis centers because of his place of residence, so long as he is able to transport himself to the center.

417.6. The funds which are provided by the state shall only be expended for the construction and equipment of the two regional dialysis centers; equipment for and development of, home dialysis services; training of personnel and other expenses incident to the activation of the regional centers; services of dialysis and directly associated procedures; and treatment of complications which may result from dialysis. These funds shall not be utilized to pay for general medical care services which should come from private, local, other state or federal sources.

SEC. 2. The sum of one million one hundred thousand dollars ($1,100,000) is hereby appropriated from the General Fund to the State Department of Public Health in augmentation of Item 161 of the Budget Act of 1965 for expenditure by the department pursuant to Article 7.7 (commencing with Section 417) of Chapter 2, Part 1, Division 1 of the Health and Safety Code, in accordance with the following schedule:

Schedule:

(a) Construction of two dialysis centers, 3,500 square feet each to contain 10 beds	$350,000
(b) Equipment and development of home dialysis services	$300,000
(c) Training and activation	$100,000
(d) Operating expenses (salaries, supplies, etc.)	$350,000
Total of schedule	$1,100,000

CHAPTER 1989

An act to amend Sections 595 and 1054.1 of, and to add Sections 595.2, 595.3, and 595.4 to, the Code of Civil Procedure, relating to continuances.

[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 595 of the Code of Civil Procedure is amended to read:

595. The trial of any civil action, or proceeding in a court, or of any administrative proceeding before a state board or commission or officer, irrespective of the date of the filing thereof or when it became at issue, or the hearing of any motion, demurrer, or other proceeding, shall be postponed when it appears to the court, board, commission, or officer before which such action or proceeding is pending that either a party thereto, or any attorney of record therein (whether he became an attorney of record before or after the commencement of a legislative session or before or after his appointment to a legislative committee), or a principal witness, is a Member of the Legislature of this state and that the Legislature is in session or in recess (not exceeding a recess of forty (40) days) or that a legislative interim committee of which he is a duly appointed member is meeting, or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel. When the Legislature is in session or in recess such action or proceeding shall not, without the consent of the attorney of record therein, be brought on for trial or hearing before the expiration of thirty (30) days next following final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If a date is available during recess, continuance shall be given if possible to such earlier date. When a legislative committee is meeting or is to meet within a period which the court finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, such action or proceeding shall not, without the consent of the attorney of record therein, be brought on for trial or hearing before the expiration of such period necessary following the adjournment or recess of the committee meeting as the court finds is reasonably necessary to enable the member to reach the place of trial or hearing by the ordinary mode of travel from the place of the committee meeting, unless at the expiration of that period the Legislature is to be in session; and in that case the action or proceeding shall not, without such consent, be brought on for trial or hearing before the expiration of thirty (30) days next following final adjournment or the commencement of a recess of more than

forty (40) days. If a date is available during the recess, continuance shall be given to such earlier date. However, any postponement granted under the provisions of this paragraph shall suspend for the same period of time as the postponement, the running of any period of time for any ruling or proceeding by a court, board, commission, or officer, or for the performance by any party of any act affected by said postponement.

SEC. 2. Section 595.4 is added to said code, to read:

595.4. A motion to postpone a trial on the ground of the absence of evidence can only be made upon affidavit showing the materiality of the evidence expected to be obtained, and that due diligence has been used to procure it. The court may require the moving party, where application is made on account of the absence of a material witness, to state upon affidavit the evidence which he expects to obtain; and if the adverse party thereupon admits that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial must not be postponed.

SEC. 3. Section 595.2 is added to said code, to read:

595.2. In all cases, the court shall postpone a trial, or the hearing of any motion or demurrer, for a period not to exceed thirty (30) days, when all attorneys of record of parties who have appeared in the action agree in writing to such postponement.

SEC. 4. Section 595.3 is added to said code, to read:

595.3. In actions involving the title to mining claims, or involving trespass for damage upon mining claims, if it be made to appear to the satisfaction of the court that, in order that justice may be done and the action fairly tried on its merits, it is necessary that further developments should be made, underground or upon the surface of the mining claims involved in such action, the court shall grant the postponement of the trial of the action, giving the party a reasonable time in which to prepare for trial and to do said development work.

SEC. 5. Section 1054.1 of said code is amended to read:

1054.1. When an act to be done in any action or proceeding in any court of this state or before any state administrative agency, as provided by law or rule, relates to the pleadings in the action, or the undertakings to be filed, or the justification of sureties, or the preparation of bills of exceptions, or of amendments thereto, or to the service of notices (other than of appeal, of intention to move for a new trial, and of intention to move to vacate a judgment), and such act is not a motion for a judgment notwithstanding the verdict, the time allowed therefor, unless otherwise expressly provided, shall be extended by the judges of the court or by the agency in which the action or proceeding is pending, or by the judge who presided at the trial of said action, when it appears to the judge of any court or to the agency to whom such application is made that an attorney of record for the party applying for such

extension is a Member of the Legislature of this state, and that the Legislature is in session or in recess not exceeding a recess of forty (40) days or that a legislative committee of which he is a duly appointed member is meeting or is to meet within a period which the court or agency finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel. When the Legislature is in session or in recess, extension shall be to a date not less than thirty (30) days next following the final adjournment of the Legislature or the commencement of a recess of more than forty (40) days. If a date is available during recess, extension shall be to such earlier date. When a legislative committee is meeting or is to meet within a period which the court or agency finds does not exceed the time reasonably necessary to enable the member to reach the committee meeting by the ordinary mode of travel, extension shall be for such period as the court or agency finds will be reasonably necessary to enable the member to perform the act to be done in the action or proceeding, unless said extension would expire when the Legislature is to be in session; and in that case the extension shall be to a date not less than thirty (30) days following the final adjournment of the Legislature or the commencement of a recess of more than forty (40) days If such act may be reasonably done by the member within such recess, continuance shall be to such earlier date. However, any postponement granted under the provisions of this section shall suspend for the same period of time as the postponement, the running of any period of time for any ruling or proceeding by a court, board, commission, or officer, or for the performance by any party of any act affected by said postponement.

CHAPTER 1990

An act to amend Section 851 of the Penal Code, relating to arrest warrants.

[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 851 of the Penal Code is amended to read:

851. Every officer causing telegraphic copies or abstracts of warrants to be sent, must certify as correct, and file in the telegraphic office from which such copies are sent, a copy of the warrant, and must return the original with a statement of his action thereunder.

CHAPTER 1991

An act to amend Sections 33130, 33645, and 33664 of, and to add Section 33604 to, the Health and Safety Code, relating to community 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 33130 of the Health and Safety Code is amended to read:

33130. No agency or community officer or employee who in the course of his duties is required to participate in the formulation of or to approve plans or policies for the redevelopment of a project area shall acquire any interest in any property included within a project area within the community. If any such officer or employee owns or has any direct or indirect financial interest in such property, he shall immediately make a written disclosure of it to the agency and the legislative body which shall be entered on their minutes. Failure to so disclose constitutes misconduct in office.

This section shall not prohibit any such officer or employee from acquiring an interest in property within the project area for the purpose of participating as an owner or reentering into business pursuant to this part provided that such officer or employee has owned a substantially equal interest as that being acquired for the three years immediately preceding the selection of the project area.

SEC. 2. Section 33604 is added to said code, to read:

33604. In connection with the issuance and sale of preliminary loan notes, secured by a requisition agreement with the United States of America, the agency may delegate to one or more of its agents or employees the powers or duties it deems proper.

SEC. 3. Section 33645 of said code is amended to read:

33645. The agency may authorize bonds by resolution. The resolution, trust indenture, or mortgage may provide for:

(a) The issuance of the bonds in one or more series.

(b) The date the bonds shall bear.

(c) The maturity dates of the bonds.

(d) The interest rate, not exceeding the maximum rate fixed for bonds of cities under Chapter 4 (commencing with Section 43600), Division 4, Title 4 of the Government Code.

(e) The denomination of the bonds.

(f) Their form, either coupon or registered.

(g) The conversion or registration privileges carried by the bonds.

(h) The rank or priority of the bonds.

(i) The manner of their execution.

(j) The medium of payment.

(k) The place of payment.

(*l*) The terms of redemption with or without premium to which the bonds are subject.

SEC. 4. Section 33664 of said code is amended to read:

33664. An agency may purchase its bonds at a price not more than their principal amount and accrued interest plus (if the bonds purchased are callable at a premium) an amount not to exceed the premium that would be applicable if the bonds were purchased on the next following call date. All bonds so purchased shall be canceled.

CHAPTER 1992

An act to add Section 35793 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 35793 is added to the Vehicle Code, to read:

35793. The Department of Public Works or local authorities with respect to highways under their respective jurisdictions may at their discretion upon application in writing issue a special permit in writing on either an individual trip or annual basis authorizing the applicant to move a vehicle or combination of vehicles containing a load consisting solely of vehicles which vehicle or combination of vehicles and load is in excess of 13 feet and 6 inches in height but does not exceed 14 feet in height measured from the surface upon which the vehicle or combination of vehicles stands.

CHAPTER 1993

An act to amend Section 2635 of the Revenue and Taxation Code, relating to refund notice to taxpayer.

[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 2635 of the Revenue and Taxation Code is amended to read:

2635. The tax collector shall give notice by letter to the taxpayer, whether or not said taxpayer is also the assessee, where his records show that, with respect to particular property, taxes might have been:

(a) Paid more than once.

(b) Erroneously or illegally collected.

(c) Paid on an assessment in excess of the cash value of the property by reason of the assessor's clerical error.

(d) Paid on an assessment of improvements when the improvements did not exist on the lien date.

The notice shall be sent to the address last known by the tax collector and shall state that his records show that taxes for a named year might have been paid or collected in any of the ways specified in subdivisions (a) to (d), inclusive, and that a refund claim over the amount of one dollar ($1) may be filed pursuant to Section 5096 within three years after the payment of the tax.

CHAPTER 1994

An act to amend Section 51561 of the Government Code, relating to charter cities.

[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 51561 of the Government Code is amended to read:

51561. The compensation paid the county for the services shall be filed by agreement between the board of supervisors and the city legislative body. Not more than 1 percent shall be charged for collecting the first twenty-five thousand dollars ($25,000), and not more than one-fourth of 1 percent for all sums over that amount. The compensation shall be paid into the county salary fund.

CHAPTER 1995

An act to add Sections 6702.1, 7153.5 and 7185 to the Financial Code, relating to savings and loan associations.

[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 6702.1 is added to the Financial Code, to read:

6702.1. An association may, subject to regulations of the commissioner, invest in, hold, buy, and sell capital stock, obligations, or other securities of:

(a) Any service corporation organized under the laws of this state, if the entire capital stock of such service corporation is available for purchase only by two or more domestic or federal savings and loan associations having their home offices in this state, to perform accounting or similar functions

or servicing loans primarily for savings and loan associations; or

(b) Any service corporation whose activities consist of purchasing and disposing of such loans and making such investments as specifically authorized by federal or state law for savings and loan associations.

No such service corporation may act as an insurance company, insurance agent, or insurance broker. This prohibition shall not be deemed to exclude other possible restrictions with respect to the activities of such service corporations.

No association shall make any investment pursuant to this section if its aggregate outstanding investment under this section would thereupon exceed 1 percent of the then total assets of the association.

SEC. 2. Section 7153.5 is added to said code, to read:

7153.5. An association may make amortized loans upon the security of improved real property located within any urban renewal area as defined in subsection (a) of Section 110 of the Housing Act of 1949 (42 U.S.C., Sec. 1460(a)) as amended, in an amount not in excess of 80 percent of the appraised value of such real property. Notwithstanding any provision of Section 7150 to the contrary, such loans may be for a term of not more than 30 years from the due date of the first principal payment. An association may invest in obligations secured by first liens on improved real property in such urban renewal areas provided the total amount of obligations secured by any such first lien does not exceed 80 percent of the appraised value of the security property and the obligations shall mature within 30 years, and further provided the instruments representing such obligations provide for substantially equal payments, at least semiannually, which would retire the total indebtedness, including interest, within such 30-year period, the periodic payments of principal to be made in direct reduction of the outstanding obligations.

No association shall have such investments solely pursuant to the authority of this section aggregating at any one time more than 5 percent of its total assets.

SEC. 3. Section 7185 is added to said code, to read:

7185. An association may, with or without security, make loans, advance credit, and purchase obligations representing loans and advances of credit (all of which are hereinafter referred to in this section as "loans") for the payment of expenses of college or university education, but no association shall have loans under this section, exclusive of any loan which is or which at the time of its making was otherwise authorized, aggregating at any one time more than 5 percent of its total assets. An association making a loan under this section may require a comaker or comakers, insurance, guaranty under a government student loan guarantee plan, or other protection against contingencies. The borrower shall certify to the association that the proceeds of the loan are to be used by a full-time student solely for the payment of expenses of college or

university education. For the purpose of this section the term "college or university education" means education at an institution which provides an education program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit towards such a degree.

CHAPTER 1996

An act to amend Section 670 of the Harbors and Navigation Code, relating to vessels and 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 670 of the Harbors and Navigation Code is amended to read:

670. (a) Within 10 days after the conviction of, or forfeiture of bail by, a person for any violation of any statute, regulation, ordinance, or charter provision relating to the operation, equipment, and registration of vessels, every judge or clerk of a court not of record and every clerk of a court of record in which the conviction was had or bail was forfeited, shall prepare and immediately forward to the division at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(b) The abstract shall be made upon a form furnished by the division and shall contain all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, and the amount of the fine or forfeiture.

CHAPTER 1997

An act to amend Section 12 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to levy and collection of taxes and assessments.

[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 12 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949) is amended to read:

Sec. 12. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district: provided, however, that said ad valorem tax or assessment shall not exceed one and one-half cents ($0.015) on each one hundred dollars ($100) of assessed valuation, and

2. To levy taxes or assessments in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones, by 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 zones, including both land and improvements thereon.

(c) By a levy or assessment upon less than all of the area or property within a zone, where some property within a zone is specially benefited and where the remainder of the area or property within the zone is not specially benefited.

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.

3. To levy taxes or assessments by either method authorized by subdivision 2 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, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zone or zones.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 7 of Section 5 of this act, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 7, by the terms of which work is to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said proposed contract the district is to pay to such governmental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after proceedings in the manner prescribed in Section 11 of this act, levy and collect a special tax or assessment upon the property in such zone or participating zones,

whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 or 3 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

Any such assessment shall be a lien on the real property upon which it is levied and shall be of the same force and effect as liens for taxes, and the collection thereof may be enforced by the same means as provided for the enforcement of liens for county taxes. So far as applicable, all provisions of law relating to equalization, levy, payment, and collection of county taxes shall apply to such assessments.

The collection of any fee, charge or assessment to be levied under either Section 12.1 or Section 12.2 of this act may be collected by the district notwithstanding any other provisions contained herein.

CHAPTER 1998

An act to amend Section 5081 of the Welfare and Institutions Code, relating to public guardians.

[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 5081 of the Welfare and Institutions Code is amended to read:

5081. In proper cases any such public guardian may apply to a court of competent jurisdiction for appointment as guardian of the person and estate or person or estate of any person in the county or in a county-owned facility in another county who is a patient under the provisions hereof or who is a recipient of aid under any of the provisions of this code where it appears that such person requires a guardian.

CHAPTER 1999

An act to amend Sections 1565, 15110, 15162, 15163, 15250, 15255 of, and to add Section 15029 to, the Elections Code, relating to voting machines.

[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 1565 of the Elections Code is amended to read:

1565. Whenever in a statewide primary or general election, the ballots are to be counted at a central place, either manually or by automatic mechanical or electrical devices, or whenever mechanical voting devices are used to mark ballots at the polling places, election precincts may be consolidated or formed, but no such precinct shall be formed or consolidated to contain more than 600 voters.

SEC. 2. Section 15029 is added to said code, to read:

15029. A voting machine may be equipped with a device or devices which embosses, prints or photographs the numbers registered on the counters The device or devices shall produce a proof sheet prior to the opening of the polls to provide accurate proof of machine setup, and a statement of returns of votes cast in a minimum of three copies which provides totals for each candidate, measures, public counter and the serial number of the machine.

SEC. 3. Section 15110 of said code is amended to read:

15110. The officers charged with the duty of creating election precincts, at any time on or before the 40th day preceding any election, may create, unite, divide, or combine the election precincts in which voting machines are to be used.

SEC. 4. Section 15162 of said code is amended to read:

15162. Before opening the envelope containing the keys to the voting machine, all election officers present shall examine the number on the seal on the machine and the number registered on the protective counter, and shall see if they are the same as the numbers written on the envelope containing the keys. If the numbers on the seal and protective counter are found to agree with the numbers on the envelope, the inspectors shall proceed to open the doors concealing the counters.

If the machine is provided with a device or devices which embosses, prints or photographs the counters, in lieu of opening the counter compartment door the election officers shall proceed to operate the mechanism provided to produce one "before election proof sheet" showing whether the candidate and measure counters register "000".

SEC. 5. Section 15163 of said code is amended to read:

15163. Before the polls are open for election, each member of the precinct board shall carefully examine every counter, or every counter reading on the "before election proof sheet" and see that it registers zero (000), and they shall be subject to the inspection of the official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting.

SEC. 6. Section 15250 of said code is amended to read:

15250. As soon as the polls are closed, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and open the counting compartments, giving full view of all counter numbers. The inspector shall, in the order of the offices as their titles are arranged on the machine, read and distinctly announce the designating number and letter on each counter for each candidate's name and the result as shown by the counter numbers. The inspector shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each measure.

If the machine is provided with a recording device, in lieu of opening the counter compartment the precinct board shall proceed to operate the mechanism to produce the statement of return of votes cast record in a minimum of 3 copies, remove the irregular ballot, if any, record on the statement of return of votes cast record. The irregular ballot shall be attached to the statement of return record of votes cast for that machine and become a part thereof. One copy of the statement of returns of votes cast for each machine shall be posted upon the wall of the precinct for all to see. In a county, city and district employing electronic data processing for canvass of returns the statement of return of votes cast for each machine for that precinct shall constitute the precinct statement of returns of votes cast.

SEC. 7. Section 15255 of said code is amended to read:

15255. Before proceeding to canvass the returns of an election at which voting machines have been used to register the votes cast, the board authorized to canvass returns shall unseal the machines and take off and record the records of votes cast for the several candidates voted for and for and against the several measures voted upon Each voting machine shall immediately be resealed.

If the machine is provided with a recording device in lieu of unsealing the machine, the board shall inspect the statement of return of votes cast record. However for good and sufficient cause the board shall proceed as outlined above.

CHAPTER 2000

An act to amend Section 2621 of the Penal Code, relating to testimony of prisoners.

[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 2621 of the Penal Code is amended to read:

2621. When the testimony of a material witness is required in a criminal action, before any court in this state, or in an examination before a grand jury or magistrate for an offense triable in the superior court and such witness is a prisoner in a state prison, an order for his temporary removal from such prison, and for his production before such court, grand jury or magistrate, may be made by the superior court of the county in which such action or examination is pending or by a judge thereof; but in case the prison is out of the county in which the application is made, such order shall be made only upon the affidavit of the district attorney or of the defendant or his counsel, showing that the testimony is material and necessary; and even then the granting of the order shall be in the discretion of said superior court or a judge thereof. The order shall be executed by the sheriff of the county in which it is made, whose duty it shall be to bring the prisoner before the proper court, grand jury or magistrate, to safely keep him, and when he is no longer required as a witness, to return him to the prison whence he was taken; the expense of executing such order shall be a proper charge against, and shall be paid by, the county in which the order shall be made. Such orders shall recite the purposes for which said person is to be brought before the court, grand jury or magistrate, and shall be signed by the magistrate or judge making the order, and sealed with the seal of the court, if any.

Such order must be to the following effect:

County of _____ (as the case may be).

The people of the State of California to the warden of _____:

An order having been made this day by me, that A. B. be produced in this court as witness in the case of _____, you are commanded to deliver him into the custody of _____ for the purpose of (recite purposes).

Dated this ___ day of _____, 19___.

When a prisoner is removed from a state prison under this section he shall remain in the constructive custody of the warden thereof, and any order affecting his status in any manner whatever, other than that provided for in the order may only be made after due notice to the warden. During the

prisoner's absence from the state prison he shall not be permitted to testify in any other proceeding or appear in any other court for any purpose whatever other than that stated in the order causing his removal.

CHAPTER 2001

An act to amend Sections 13404, 13407 and 13417 of, and to add Sections 13403.5 and 13404.5 to, the Education Code, relating to dismissal of permanent teachers.

[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 13403.5 is added to the Education Code, to read:

13403.5. A permanent employee may be dismissed on grounds of unprofessional conduct consisting of acts or omissions other than those specified in Section 13403, but any such charge shall specify instances of behavior deemed to constitute unprofessional conduct.

SEC. 2. Section 13404 of said code is amended to read:

13404. Upon the filing of written charges, duly signed and verified by the person filing them, with the governing board of the school district, or upon a written statement of charges formulated by the governing board, charging that there exists cause for the dismissal of a permanent employee of the district, the governing board may, upon majority vote, except as provided in Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, if it deems the action necessary, give notice to the permanent employee of its intention to dismiss him at the expiration of 30 days from the date of service of the notice, unless the employee demands a hearing as provided in Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive.

Any written statement of charges of unprofessional conduct or incompetency shall specify instances of behavior and the acts or omissions constituting the charge so that the teacher will be able to prepare his defense. It shall, where applicable, state the statutes and rules which the teacher is alleged to have violated, but it shall also set forth the facts relevant to each occasion of alleged unprofessional conduct or incompetency.

SEC. 3. Section 13407 of said code is amended to read:

13407. The governing board of any school district shall not act upon any charges of unprofessional conduct or incompetency unless during the preceding term or half school year prior to the date of the filing of the charge, and at least 90 days prior to the date of the filing, the board or its authorized representative has given the employee against whom the charge is filed, written notice of the unprofessional conduct or incom-

petency, specifying the nature thereof with such specific instances of behavior and with such particularity as to furnish the employee an opportunity to correct his faults and overcome the grounds for such charge. "Unprofessional conduct" and "incompetency" as used in this section means, and refers only to, the unprofessional conduct and incompetency particularly specified as a cause for dismissal in Section 13403 and does not include any other cause for dismissal specified in that section.

SEC. 4. Section 13417 of said code is amended to read:

13417. Upon any such trial, the court or any party may call and examine expert witnesses to testify as to any matter of professional or personnel standards, skill, fitness, competency, performance, or other such professional matters as may be involved in the subject matter at issue. Any such expert witness so called shall be examined as to his competency and qualifications as an expert and as to his bias, by the party or the court calling him. He shall be subject to objection as to such competency and qualifications or bias. If any such witness is called and examined by the court, the rights of the parties shall be those provided by Section 1871 of the Code of Civil Procedure.

All testimony, statements and other proceedings before the commission, or the panel thereof, shall be deemed to be in connection with judicial proceedings within the meaning of Section 47 of the Civil Code.

The court may fix, and apportion and charge, the compensation and necessary expenses of any such expert or experts in the manner provided by Section 1871 of the Code of Civil Procedure.

SEC 5. Section 13404.5 is added to said code, to read:

13404.5. No report on the fitness of a teacher in a dismissal proceeding shall be received from a statewide professional organization by a governing board unless the teacher shall have been given, prior to the preparation of the report in its final form, the opportunity to submit in writing his or her comments on the report and unless a copy of the report in final form is given to the teacher investigated at least 10 days prior to its submission to the board.

Such a report shall not be distributed other than to the governing board and those persons participating in its preparation, unless and until the dismissal of the teacher is affirmed by a judgment of a superior court, or the teacher does not demand a hearing as provided by Section 13406.

CHAPTER 2002

An act to add Section 1229.5 to the Education Code, relating to school district organization.

[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 1229.5 is added to the Education Code, to read:

1229.5. In the event a newly unified district includes a chartered city, the first governing board of the district shall be selected pursuant to Section 1102 of this code, or, in the event the charter of such city expressly provides for the calling and setting of the election of the first governing board of a newly unified school district, the charter shall apply.

CHAPTER 2003

An act to amend Section 16431, 16451 and 16452 of the Vehicle Code, relating to financial responsibility.

[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 16431 of the Vehicle Code is amended to read:

16431. Proof of ability to respond in damages may be given by the written certificate or certificates of any insurance carrier duly authorized to do business within the state, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy as defined in Section 16450, which, at the date of the certificate or certificates is in full force and effect.

SEC. 2. Section 16451 of said code is amended to read:

16451. An owner's policy of liability insurance shall insure the person named therein and any other person, as insured, using any owned motor vehicle with the express or implied permission of said assured, against loss from the liability imposed by law for damages arising out of ownership, maintenance, or use of such motor vehicle within the continental limits of the United States to the extent and aggregate amount, exclusive of interest and costs, with respect to each motor vehicle, of ten thousand dollars ($10,000) for bodily injury to or death of each person as a result of any one accident and, subject to said limit as to one person, the amount of twenty thousand dollars ($20,000) for bodily injury to or death of all persons as a result of any one accident and the

amount of five thousand dollars ($5,000) for damage to property of others as a result of any one accident.

SEC. 3. Section 16452 of said code is amended to read:

16452. An operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed on him by law for damages arising out of use by him of any motor vehicle not owned by him, and for any subsequently acquired motor vehicle for a period not to exceed 10 days from date of purchase, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

SEC. 4. This act shall be operative January 1, 1966.

CHAPTER 2004

An act to add Section 14620.5 to the Elections Code, relating to absentee voting.

[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 14620.5 is added to the Elections Code, to read:

14620.5. Whenever there are 12 or less persons registered to vote in any precinct, the clerk may, not less than 29 days prior to election day, furnish an application blank for an absent voter ballot to each registered voter, together with a statement that there will be no polling place for the election, and if the voter desires to vote at the election, he shall apply for an absent voter ballot not less than 7 days before the election or vote at the office of the county clerk on election day.

The order of the election board, or publications required for the election, shall state that there will be no polling places for the particular precinct in the election, and that the qualified voters shall vote by absent voter ballots or vote at the office of the county clerk on election day.

No precinct shall be divided to bring it within the provisions of this section.

CHAPTER 2005

An act to add Sections 31032.1, 31032.2, 31032.3, 31032.4, 31032.5, 31032.6, 31032.7, 31032.8, and 31032.9 to the Water Code, relating to county water 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 31032.1 is added to the Water Code, to read:

31032.1. A district may fix, as an alternative to the charge prescribed by Section 31031, in each fiscal year, water standby or availability assessments of not to exceed ten dollars ($10) per acre per year for each acre of land, or ten dollars ($10) per year for each parcel of land 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 an assessment may establish schedules varying such assessment according to the land uses and the degree of availability or quantity of use of such water to the affected lands, and may restrict such assessment to lands lying within one or more improvement districts within such district.

A district may elect to have such assessments for the fiscal year collected on the tax roll in the same manner, by the same persons and at the same time as, together with and not separately from, its general taxes. In such event, it shall cause a written report to be prepared and filed with the secretary which report shall contain a description of each parcel of real property and the amount of the assessment for each parcel for the year.

SEC. 3. Section 31032.2 is added to said code, to read:

31032.2. The secretary shall cause notice of the filing of the report and of a time and place of hearing thereon to be published, pursuant to Section 6066 of the Government Code, prior to the date set for hearing, in a newspaper of general circulation printed and published within the district, if there is one and if not then in such paper printed and published in the county, and shall cause a notice in writing of the filing of the report to be mailed to each person to whom any parcel or parcels of real property described in such report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the assessment roll or as known to the secretary.

SEC. 4. Section 31032.3 is added to said code, to read:

31032.3. At the time stated in the notice, the board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. Upon the conclusion of the hearing, the board may adopt, revise, change, reduce or modify an as-

sessment or overrule any or all objections. The board shall make its determination upon each assessment as described in the report which determination shall be final. The board may make appropriate adjustments that may be necessary as a result of the equalization of the assessment roll subsequent to the filing of the report.

SEC. 5. Section 31032.4 is added to said code, to read:

31032.4. On or before the fourth Monday of August of each year following such final determination, the secretary shall file with the county auditor a copy of the report with a statement endorsed thereon over his signature that it has been finally adopted by the board and the auditor shall enter the amounts of the assessment against the respective lots or parcels of land as they appear on the current assessment roll. If a district collects taxes pursuant to Chapter 3 (commencing with Section 31730), Part 7 of this division, the secretary shall file the report with the collector.

SEC. 6. Section 31032 5 is added to said code, to read:

31032.5. The amount of the assessments shall constitute a lien against the lot or parcel of land against which the assessment has been imposed as of noon on the first Monday in March immediately preceding the date of levy.

SEC. 7. Section 31032.6 is added to said code, to read:

31032 6. The county tax collector or district collector shall include the amount of the assessments on bills for taxes levied against the respective lots and parcels of land. Thereafter the amount of the assessments shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the district, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties. All laws applicable to the levy, collection and enforcement of general taxes of the district, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such assessments.

SEC. 8. Section 31032.7 is added to said code, to read:

31032.7. In the event a district does not elect to collect such assessments with the general taxes of the district, it may issue separate bills payable in the time and manner designated by the board.

SEC. 9. Section 31032.8 is added to said code, to read:

31032.8. A district may provide for a basic penalty of not more than 6 percent for nonpayment of the assessment 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 assessment and basic penalty. It may provide for collection of the penalties herein provided for.

SEC. 10. Section 31032.9 is added to said code, to read:

31032.9. Any district may make the election specified in Section 31032.1 with respect only to delinquent assessments and may do so by preparing and filing the written report, giving notice and holding the hearing therein required only as to such delinquencies.

CHAPTER 2006

An act to add Section 903.1 to, and to amend Sections 904, 905, 906, 907, and 908 of, the Welfare and Institutions Code, relating 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 903.1 is added to the Welfare and Institutions Code, to read:

903.1. The father, mother, spouse, or other person liable for the support of a minor person, the estates of such persons, and the estate of such minor person, shall be liable for the cost to the county of legal services rendered to the minor by the public defender pursuant to the order of the juvenile court, or for the cost to the county for the legal services rendered to the minor by private attorney appointed pursuant to the order of the juvenile court. The liability of such persons (in this article called relatives) and estates shall be a joint and several liability.

SEC. 2. Section 904 of said code is amended to read:

904. The monthly or daily charge, not to exceed cost, for care, support, and maintenance of minor persons placed or detained in or committed to a county institution by order of a juvenile court and the cost of legal services rendered pursuant to Section 903.1 shall be determined by the board of supervisors of the county in which the institution is located, or the county in which the court sits, as the case may be.

SEC. 3. Section 905 of said code is amended to read:

905. Except as otherwise ordered by the juvenile court, the county officer or officers designated by the board of supervisors of the county may reduce, cancel, or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the cost of legal services rendered pursuant to Section 903.1 or for the care, support, and maintenance of a minor person placed or detained in or committed to any county institution or other place, pursuant to an order of the juvenile court of that county on satisfactory proof that the estate or relative, as the case may be, is unable to pay the cost of such legal services, care, support, and maintenance.

If the representative of the estate or the relative liable for the care, support, and maintenance of, or for the cost of legal services rendered to, the minor claims that the minor's estate

or relative is financially unable to pay the amounts established under this article for the care, support, and maintenance of, or legal services rendered to, the minor, he may make such claim in writing to the probation officer of the county in which the juvenile court making the order of placement, detention, or commitment is located. The probation officer shall, upon receipt of such a claim, make an investigation to determine whether the minor's estate or responsible relative is financially able to pay the said amounts established under this article, or any part thereof, and report the results of his investigation to the juvenile court. On receipt of the probation officer's report, the juvenile court shall hear and determine the claim, and may order that the representative of the estate or the relative pay all of the said amounts established under this article or any part thereof which the juvenile court finds that the estate or relative is financially able to pay.

SEC. 4. Section 906 of said code is amended to read:

906. The county officer or officers designated by the board of supervisors of the county shall collect all costs and charges mentioned in Section 903 and Section 903.1 or established by order of the juvenile court and may take such action in the name of the county as is necessary to effect their collection within or without the state.

SEC. 5. Section 907 of said code is amended to read:

907. The county officer or officers designated by the board of supervisors of the county shall, following entry of an order by the juvenile court in that county that a minor person be represented by the public defender or private attorney or be placed, or detained in, or committed to a county institution or other place, make investigation to determine the moneys, the property, or interest in property, if any, the minor person has, and whether he has a duly appointed and acting guardian to protect his property interests. The designated county officer or officers shall also make an investigation to determine whether the minor person has any relative or relatives responsible under the provisions of Section 903 or Section 903.1 for the payment of the cost of legal services or care, support, and maintenance of such minor person, and shall ascertain the financial condition of such relative or relatives to determine whether in each case such relative or relatives are in fact financially able to pay such charges.

SEC. 6. Section 908 of said code is amended to read:

908. Where the juvenile court has ordered payment of money to be made for the cost of legal services rendered pursuant to Section 903.1, or for the cost of care, support or maintenance in any county institution or as reimbursement to the county for the expense of support and maintenance of any ward, dependent child or other minor person as provided in this article or as additional payment for the expense of support and maintenance of such ward, dependent child or other minor person to the person, association, or institution that under court order is caring for and maintaining such ward,

dependent child or other minor person, either from the earnings, property, or estate of such ward, dependent child or other minor person, or by his parents or guardian, or by any other person liable for his support, upon affidavit of the probation officer that any payment is due and has not been made, execution may issue for such payment upon the order and at the discretion of the court.

CHAPTER 2007

An act to amend Sections 314 and 327 of the Streets and Highways Code, relating to state highway routes.

[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 314 of the Streets and Highways Code is amended to read:

314. Route 14 is from:

(a) Route 1 north of the intersection of Sunset Boulevard northwest of Santa Monica to Route 5 near Tunnel Station.

(b) Route 5 at Los Angeles near Tunnel Station to Route 58.

(c) Route 58 to Route 395 near Little Lake via the vicinity of Antelope Valley.

SEC. 2. Section 327 of said code is amended to read:

327. Route 27 is from Route 1 near Topanga Beach to Route 118 at or near Chatsworth.

CHAPTER 2008

An act to amend Sections 161, 5591, and 5599 of the Welfare and Institutions Code, relating to the mentally ill and mentally retarded.

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

161. In determining residence for purposes of being entitled to hospitalization in this state and for purposes of returning patients to the states of their residence, an adult person who has lived continuously in this state for a period of one year and who has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state shall be deemed to be a

resident of this state. A minor is entitled to hospitalization in this state if the parent or guardian having custody of the minor has lived continuously in this state for a period of one year and has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state. Such parent or guardian shall be deemed a resident of this state for the purposes of this section, and such minor shall be eligible for hospitalization in this state as a mentally ill person. The eligibility of such minor for hospitalization in this state ceases when such parent or guardian ceases to be a resident of this state and such minor shall be transferred to the state of residence of the parent or guardian in accordance with the applicable provisions of this code. Time spent in a public institution for the care of the mentally ill or mentally retarded or on leave of absence therefrom shall not be counted in determining the matter of residence in this or another state.

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States.

SEC. 2. Section 5591 of said code is amended to read:

5591. Any mentally deficient person requiring hospitalization who is not mentally ill may be committed to the Department of Mental Hygiene for placement in a designated state home for the mentally deficient if he has been a resident of the state for the period of one year next preceding the presentation of the petition.

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States. The residence of minor children during the period of such military service shall be determined in accordance with the residence of the parent in such service or in accordance with the residence of the child.

Any mentally deficient minor requiring hospitalization who is not mentally ill may be committed to the Department of Mental Hygiene if the parent or guardian having custody of the minor has lived continuously in this state for a period of one year next preceding the presentation of the petition and has not acquired residence in another state by living continuously therein for at least one year subsequent to his residence in this state. Such parent or guardian shall be deemed a resident of this state for the purposes of this section and such minor shall be eligible for hospitalization in this state as a mentally retarded person. The eligibility of such minor for hospitalization in this state ceases when such parent or guardian ceases to be a resident of this state and such minor shall be transferred to the state of residence of the parent or guardian in accordance with the applicable provisions of this code.

SEC. 3. Section 5599 of said code is amended to read:

5599. If the court finds that the person is mentally deficient, and that he or his parent or guardian is a resident of

this state as determined in accordance with Section 5591, the court may make an order that the person be committed to the Department of Mental Hygiene for hospitalization. The court, however, may commit a mentally deficient person who has been in the state less than one year, or a mentally retarded minor who is not eligible for commitment to the Department of Mental Hygiene under Section 5591 for the purpose of transportation of such person to the state of his legal residence pursuant to Section 160. The Department of Mental Hygiene shall receive the person committed to it and shall place the person in a state hospital for the mentally retarded, unless such institutions are already full, or the funds available for their support are exhausted, or, in the opinion of the Department of Mental Hygiene, the person is not a suitable subject for admission thereto.

CHAPTER 2009

An act to add Section 31110.2 to the Government Code, relating to county 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 31110.2 is added to the Government Code, to read:

31110.2. A county may by ordinance provide that its civil service commission or equivalent body shall have the power to issue subpoenas and subpoenas duces tecum, and compensate persons subpoenaed. This power shall be exercised and enforced in the same manner as a similar power granted the board of supervisors in Article 9 (commencing with Section 25170) of Chapter 1 of Part 2 of Division 2 of this title is exercised and enforced; except that such power shall extend only to matters within the commission's lawful jurisdiction, and that committees of the commission shall not have this power, and that reasonable fees or expenses or both may be provided for by commission regulation for any or all such witnesses regardless of which party subpoenaed them.

Subpoenas shall be signed by the chairman or secretary of the commission. Any member of the commission, or any person otherwise so empowered, may administer oaths to, or take affirmations from, witnesses before the commission.

CHAPTER 2010

An act to amend Sections 8003, 8021, 8208, 8209, and 8202.35 of the Elections Code, relating to state central committees, 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 8202.35 of the Elections Code is amended to read:

8202.35. Each delegate to the state convention shall appoint to membership on the state central committee one voter of the same sex as the delegate and two voters of the opposite sex, which appointments when so made shall be absolute. A "holdover" delegate to the state convention of a political party with which there are affiliated more than 3,200,000 voters or a nominee delegate to such a convention from a district represented by an incumbent officeholder affiliated with the same party as the nominee delegate may appoint, without regard to sex, two additional voters to membership on the state central committee. A "holdover" delegate to the state convention of a political party with which there are affiliated less than 3,200,000 voters or a nominee delegate to such a convention from a district represented by an incumbent officeholder affiliated with the same party as the nominee delegate may appoint, without regard to sex, five additional voters to membership on the state central committee.

SEC. 2. Section 8003 of said code is amended to read:

8003. The state convention of each political party with which are affiliated more than 3,200,000 registered voters shall meet biannually at Sacramento at 10 o'clock of the morning of a Saturday, in August next following the direct primary election, designated by the chairman of the state central committee of the party. The chairman shall notify the Secretary of State of the Saturday selected by him no later than the first day of July immediately preceding the holding of the convention. The convention shall be composed of delegates selected in the manner prescribed in Section 8002.

SEC. 3. Section 8011 of said code is amended to read:

8011. As soon as practicable after the direct primary election, the Secretary of State shall prepare a list of the names of all delegates to the convention qualified under the provisions of this chapter. He shall thereupon send a notice by mail to each delegate which shall inform the delegate that:

(a) He is a delegate to the state convention.

(b) The convention meets at Sacramento and the date of the meeting.

SEC. 4. Section 8021 of said code is amended to read:

8021. The convention, upon election of permanent officers, shall adopt a state platform for its party, which platform shall be made public not later than 6 o'clock in the afternoon of the following day.

SEC. 5. Section 8208 of said code is amended to read:

8208. The chairman of the state central committee shall call the committee to order at 10 o'clock of the morning of the first meeting and as soon as practicable thereafter shall cause the roll to be called from the list of members and proxies certified by the Secretary of State. The next business in order shall be the election of a temporary chairman, which may be by acclamation, unless there is a contest, in which event the roll shall be called.

SEC. 6. Section 8209 of said code is amended to read:

8209. The temporary chairman, upon election, shall appoint at once a committee on proxies and credentials consisting of one member from each congressional district, selected from among the members of the committee certified by the Secretary of State.

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:

This act provides for biannual rather than annual meetings of the Democratic State Central Committee. Such a state central committee meeting is scheduled for August 1965. To eliminate the August 1965 meeting it is necessary that this act take effect immediately.

CHAPTER 2011

An act to amend Section 31604 of, and to add Sections 31595.2 and 31604.1 to, the Government Code, relating to County Employees' Retirement Law of 1937.

[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 31604 of the Government Code is amended to read:

31604. Before an investment is made in real property the board shall enter into a lease or lease option agreement with the county in which the retirement system is established under which the county agrees to rent the property at a monthly rental and for a period, not to exceed 50 years, sufficient to return not less than the investment together with interest at the rate prescribed in Section 31603. The agreement may contain an option or options to purchase provided such option together with the rentals will return not less than the invest-

ment together with interest at a rate at least equal to the lesser of the following: (1) ¾ percent higher than the rate fixed by Section 31591 of this code or in the event a different rate has been determined by the board then ¾ percent higher than the rate so determined at the time the agreement is made or (2) ¾ percent higher than the current yield on long-term United States government bonds as such yield is defined in Section 31604.1. In the event a building is built on county-owned land the agreement may contain an option to purchase the land at any time or at the termination of the lease at its then fair market value.

SEC. 2. Section 31604.1 is added to said code, to read:

31604.1. The current yield on long-term United States government bonds is defined as that yield which is the average daily highest per annum interest yield on any issue of marketable United States Treasury bonds with a maturity of 15 years or more during the period of the 10 business days ending 10 calendar days immediately prior to the date the lease option agreement described in Section 31604 is entered into by the board.

SEC. 3. Section 31595.2 is added to said code, to read:

31595.2. Notwithstanding the provisions of Section 31595, funds received by the country treasurer not required for current disbursements may be used in an amount not exceeding 10 percent of the assets of the retirement system to purchase assignments of the right to receive rent from leases of real property to a railroad company described in paragraph (1) of subdivision (b) of Section 1365 of the Financial Code.

CHAPTER 2012

An act to amend Section 402.5 of, and to add Section 402.6 to, the Revenue and Taxation Code, relating to the assessments of agricultural land.

[Approved by Governor July 11, 1965 Filed with Secretary of State July 23, 1965]

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

SECTION 1. Section 402.5 of the Revenue and Taxation Code is amended to read:

402.5. In assessing property which is zoned and used exclusively for agricultural, airport or recreational purposes, and as to which there is no reasonable probability of the removal or modification of the zoning restriction within the near future, the assessor shall consider no factors other than those relative to such use. Where property is zoned exclusively agricultural pursuant to a general plan of land use there shall be a rebuttable presumption of no reasonable probability of the re-

moval or modification of the zoning restriction on such property in the near future.

SEC. 2. Section 402.6 is added to said code, to read:

402.6. In assessing property which is located within an agricultural preserve where the use is restricted by a contract, agreement or other means pursuant to Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code, the assessor shall consider no factors other than the uses permitted under such restrictions when there is no reasonable probability of the removal or modification of the restrictions within the near future.

SEC. 3. Section 2 of this act shall become operative only if the addition of Chapter 7 (commencing with Section 51200) to Part 1 of Division 1 of Title 5 of the Government Code as proposed by Assembly Bill No. 2117 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 2117 takes effect.

CHAPTER 2013

An act to amend Sections 28153 and 28154 of the Government Code, relating to county officers.

[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 28153 of the Government Code is amended to read:

28153. In a county of the 53rd class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand dollars ($6,000) a year, and his actual expenses incurred while attending to the business of the county. The auditor shall also receive mileage at the rate of ten cents ($0.10) a mile for mileage actually traveled in attending to such business.

(b) The district attorney, fourteen thousand five hundred fifty-six dollars ($14,556) 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 hundred dollars ($300) a month and his actual expenses while attending regular, special and adjourned meetings of the board of supervisors and while attending to the business of the county by the order of the board of supervisors, and mileage at the rate of twenty cents ($0.20) a mile, one way, for mileage actually traveled to attend regular, special and adjourned meetings of the board of supervisors, and at the rate of ten cents ($0.10) a mile while

attending to the business of the county by the order of the board of supervisors.

(d) Grand jurors, six dollars ($6), and trial jurors in the superior courts, five dollars ($5), for each day's attendance and mileage at the rate of twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In the justice courts the jurors shall receive five dollars ($5) for each day's attendance and twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrant.

SEC. 2. Section 28154 of said code is amended to read:

28154. In a county of the 54th class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, four thousand eight hundred dollars ($4,800) a year and such fees as are allowed by law.

(b) The district attorney, nine thousand dollars ($9,000) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year, and mileage at the rate of fifteen cents ($0.15) a mile in traveling from his residence to attend regular meetings of the board and in returning.

Each supervisor shall also be allowed fifteen cents ($0.15) a mile for each mile actually traveled in inspecting county roads, not to exceed three hundred dollars ($300) annually.

(d) For attending as a grand juror or as a trial juror in the superior court in criminal cases, five dollars ($5) for each day's attendance. For each mile actually traveled in attending upon the superior court, ten cents ($0.10). The grand jurors and trial jurors in criminal cases shall be paid by warrants drawn by the county auditor, issued upon the order of the court, or judge thereof. Jurors who serve in civil actions in the superior court shall receive five dollars ($5) a day and ten cents ($0.10) a mile for each mile actually traveled to be paid by the party demanding the jury.

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

CHAPTER 2014

An act to amend Section 28114 of the Government Code, relating to county officers.

[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 28114 of the Government Code is amended to read:

28114. In a county of the 14th 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 dollars ($13,000) a year.

(b) The district attorney, twenty-three thousand dollars ($23,000) a year.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year and actual and necessary expenses, including expenses for meals, incurred in the performance of the duties of his office. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid the sum of ten cents ($0.10) per mile to reimburse him for the use of said automobile. The chairman of the board of supervisors shall receive, as additional compensation, two thousand one hundred dollars ($2,100) a year for services rendered as chairman.

(d) For attendance in the superior court each trial juror shall be allowed five dollars ($5) for each day's attendance, and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled in attending upon and returning from court, mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

Each member of the grand jury shall be allowed five dollars ($5) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled in attendance upon and returning from meetings to the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

CHAPTER 2015

An act to amend Section 32176 of the Revenue and Taxation Code, relating to the Alcoholic Beverage Tax Law.

[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 32176 of the Revenue and Taxation Code is amended to read:

32176. If taxes have been paid on beer or wine subsequently exported from the state or sold for export and actually thereafter exported from this state, or on beer or wine subsequently destroyed under the supervision of a board representative, a taxpayer may claim and shall be allowed credit with respect to the taxes in any report filed or assessment made under this part.

A winegrower may claim credit with respect to excise taxes on wine purchased state tax paid from another winegrower and subsequently exported or sold for export and actually exported.

A beer manufacturer or a beer and wine wholesaler may claim credit for excise taxes on beer purchased state tax paid and subsequently exported or sold for export and actually exported.

CHAPTER 2016

An act to amend Section 10753.2 of the Revenue and Taxation Code, 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. Section 10753.2 of the Revenue and Taxation Code is amended to read:

10753.2. (a) After determining the California delivered price as defined above of a vehicle or its cost price to the purchaser, as hereinbefore provided, the department shall classify every vehicle in its proper class according to the classification plan as set forth in this section.

(b) For the purpose of this part a classification plan is established consisting of the following classes: a class from no dollars ($0) to and including forty-nine dollars and ninety-nine cents ($49.99); a class from fifty dollars ($50) to and including one hundred ninety-nine dollars and ninety-nine cents ($199.99); and thereafter a series of classes successively set up in brackets having a spread of two hundred dollars ($200), consisting of such number of classes as will permit classification of all vehicles.

(c) The market value of a vehicle for each calendar year of its life, starting with the year first sold to a consumer as a new vehicle, shall be as follows: for the first year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of this section; for the second year, 70 percent of such sum; for the third year, 55 percent of such sum; for the fourth year, 40 percent of such sum; for the fifth year, 30 percent of such sum; for the sixth year, 25 percent of such sum; for the seventh year, 15 percent of such sum; for the eighth year, 10 percent of such sum; and for the ninth and each succeeding year, 5 percent of such sum, provided that the minimum tax shall be the sum of one dollar ($1), except that the market value of a trailer coach first sold on and after January 1, 1966 which must be moved under permit as authorized in Section 35790 of the Vehicle Code shall be determined by the schedule in subdivision (e) of this section.

(d) For the purposes of subsection (c) hereof a vehicle first sold to a consumer as a new vehicle during the calendar years 1942, 1943, 1944, and 1945, shall be deemed to have been first sold during the calendar year 1945; a vehicle first sold to a consumer as a new vehicle during the calendar year 1941 shall be deemed to have been first sold during the calendar year 1944; a vehicle first sold to a consumer as a new vehicle during the calendar year 1940 shall be deemed to have been first sold during the calendar year 1943; a vehicle first sold to a consumer as a new vehicle during the calendar year 1939 shall be deemed to have been first sold during the calendar year 1942; and a vehicle first sold to a consumer as a new vehicle during the calendar year 1938 shall be deemed to have been first sold during the calendar year 1941.

(e) The market value of a trailer coach which must be moved under permit, shall be as follows: for the 1st year, 85 percent of a sum equal to the middle point between the extremes of its class as established in subdivision (b) of this section; for the 2nd year, 70 percent of such sum; for the 3rd year, 55 percent of such sum; for the 4th year, 45 percent of such sum; for the 5th year, 40 percent of such sum; for the 6th year, 35 percent of such sum; for the 7th year, 30 percent of such sum; for the 8th year, 25 percent of such sum; for the 9th year, 24 percent of such sum; for the 10th year, 23 percent of such sum; for the 11th year, 22 percent of such sum; for the 12th year, 21 percent of such sum; for the 13th year, 20 percent of such sum; for the 14th year, 19 percent of such sum; for the 15th year, 18 percent of such sum; for the 16th year, 17 percent of such sum; for the 17th year, 16 percent of such sum; for the 18th year and each succeeding year, 15 percent of such sum.

CHAPTER 2017

An act to amend the heading of Article 28 (commencing with Section 74640) of Chapter 10 of Title 8 of, and to amend Sections 74640 and 74641 of the Government Code, relating to judicial 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. The heading of Article 28 (commencing with Section 74640) of Chapter 10 of Title 8 of the Government Code is amended to read:

Article 28. Santa Barbara-Goleta

SEC. 2. Section 74640 of said code is amended to read:

74640. This article applies to the municipal court established in a district designated as the Santa Barbara-Goleta Judicial District in the County of Santa Barbara.

SEC. 3. Section 74641 of said code is amended to read:

74641. There shall be three judges.

SEC. 4. This act shall become operative on October 1, 1965.

CHAPTER 2018

An act to convey certain salt marsh, tide and submerged lands to the City of Benicia, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof.

[Approved by Governor July 17, 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 granted to the City of Benicia, a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by the state by virtue of its sovereignty in and to all salt marsh, tide and submerged lands, whether filled or unfilled, lying between the Pierhead line and the easterly line of Benicia Arsenal, and lying east of the Benicia-Martinez Bridge (State Highway IV, X-CC., SOL-75, 74 MTZ., BEN.), which are described as follows:

Beginning at a point on the ordinary high water mark which bears S.03° 03′ 53″ W. 172.03 feet from Highway Station 79 + 21.53, said Point of Beginning on the Right of Way Line of State Highway IV,X-CC.,SOL 75, 74MTZ.,BEN. near the northerly end of the Benicia-Martinez Bridge; thence along the ordinary high water mark N.56° 00′ 00″ E.370.00 feet; thence N.12° 00′ 00″ E.150.00 feet; thence N.07° 00′ 00″ W.760.00 feet; thence N.21° 00′ 00″ E.3050.00 feet; thence N.35° 00′ 00″ E.950.00 feet; thence N.17° 00′ 00″ E.300.00 feet; thence N.33° 00′ 00″ E 1248.76 feet to a point on the northerly line of the Benicia Arsenal; thence on this line projected southeasterly S.23° 52′ 34″ E.1799.81 feet; thence S.31° 43′ 46″ W.6085.00 feet; thence S.56° 38′ 16″ W.483.13 feet to point 4A on the Pierhead Line for Carquinez Strait approved by the Department of the Army August 28, 1962; thence along this Pierhead Line N.26° 16′ 14″ E.861.07 feet to a point on the Westerly Line of State Highway IV,X-CC,SOL75,74MTZ.,BEN.; thence N.32° 25′ 22″ W.292.78 feet to the point of beginning.

To be forever held by such city and by its successors in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) That the lands shall be used by the city and its successors for purposes in which there is a general statewide interest as follows:

(1) For the establishment, improvement and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation.

(2) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities, as may be specified by the city council, after public hearing

(3) For the establishment, improvement and conduct of an airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(4) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(5) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(6) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, restaurants, motels, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations

and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas.

(b) The city, or its successors shall not at any time, grant, convey, give or alienate such lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that the city, or its successors, may grant franchises thereon for limited periods, not exceeding 66 years, for wharves and other public uses and purposes, and may lease the lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which the lands are held by the state, and with the requirements of commerce and navigation, and collect and retain rents and other revenues from such leases, franchises and privileges. Such lease or leases, franchises and privileges may be for any and all purposes which shall not interfere with commerce and navigation. Nothing contained in this paragraph (b) shall be deemed to affect the validity or term of any franchise granted by said city under the Franchise Act of 1937, and any such franchise shall be effective with respect to the lands.

(c) Within 10 years from the effective date of this act, the lands shall be substantially improved by the city without expense to the state, and if the State Lands Commission determines that the city has failed to improve the lands as herein required, all right, title, and interest of the city in and to all lands granted by this act shall cease and the lands shall revert and rest in the state.

Nothing contained in this act, however, shall preclude expenditures for the development of the lands for any public purpose not inconsistent with commerce, navigation and fishery, by the state, or any board, agency or commission thereof, when authorized or approved by the city, nor by the city of any funds received for such purpose from the state or any board, agency or commission thereof.

(d) In the management, conduct, operation and control of said lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The state shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon the lands for any vessel or other watercraft, aircraft, or railroad owned or operated by the state.

(f) There is hereby reserved to the people of the state the right to fish in the waters on the lands with the right of convenient access to the water over the lands for such purpose

(g) There is hereby excepted and reserved in 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.

(h) Such lands are granted subject to the express reservation and condition that the state may at any time in the future

use the lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements, betterments or structures have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements, betterments or structures taken or the damages to such interest.

(i) The State Lands Commission shall, at the cost of the city, survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Solano County.

(j) The city shall cause to be made and filed with the Department of Finance, annually, a detailed statement of receipts and expenditures by it of all rents, revenues, issues and profits in any manner hereafter arising from the granted lands or any improvements, betterments or structures thereon.

CHAPTER 2019

An act to be known as the "Uniform District Election Law," relating to water district elections; and in this connection: to add Part 3 (commencing with Section 23500) to Division 12 of the Elections Code;

to repeal the following sections, articles, and chapters of the Water Code: Sections 21103, 21105, 21106; Article 4 (commencing with Section 21625) of Chapter 1, and Article 1 (commencing with Section 21650), Article 2 (commencing with Section 21675), Article 3 (commencing with Section 21705), and Article 5 (commencing with Section 21735) of Chapter 2, Part 4, Division 11; Sections 30701 to 30706, inclusive, 30732; Article 2 (commencing with Section 30745) of Chapter 2, Part 4, Division 12: Sections 30770 to 30772, inclusive, 30783; Article 4 (commencing with Section 30800), and Article 5 (commencing with Section 30815) of Chapter 2, Part 4, Division 12; Sections 34702 to 34704, inclusive, 34706, 35000, 35002, 35007; Article 3 (commencing with Section 35050) of Chapter 1, Part 4, Division 13; Sections 35100 to 35105, inclusive, 35108, 35109, and 35112; Chapter 1 (commencing with Section 74350) and Chapter 2 (commencing with Section 74410), Part 4, Division 21;

to amend the following sections of the Water Code: Sections 20525, 21101, 21102, 21104, 21121, 21122, 21375, 21378, 21553 to 21555, inclusive, 21560, 21582, 21587, 21588, 21605, to 21608, inclusive, 21827, 21830, 21834, 21932, 22175, 22977, 25676, 26604, 30019, 30020, 30501, 30520, 30700, 30731, 30733, 30734, 30773, 34025, 34053, 34424, 34701, 34705, 34708, 34726, 34727, 35001, 35006, 35025, 35030, 35106, 35107, 35110, 35125, 35303, 37334, 74019, 74202, 74220, and 74250,

to add Sections 20573, 30068, 34055 and 50102 to the Water Code;
to repeal, amend and add the following general and special act sections:
to repeal Sections 10, and 14 to 14.2, inclusive, of, and to amend Sections 9, 12, 13 and 15 of, the Orange County Water District Act (Chapter 924 of the Statutes of 1933);
to repeal Section 24.1 of, and to amend Sections 5, 9 and 24 of, the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951);
to repeal Section 9.4 of, and to amend Sections 9, 9.3 and 9.5 of, the San Benito County Water Conservation and Flood Control District Act (Chapter 1598 of the Statutes of 1953);
to repeal Section 5 of, and to amend Sections 4 and 7 of, the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959);
to repeal Sections 3 and 3.5 of, and to amend Sections 2.7, 5 and 6 of, Chapter 40 of the Statutes of 1962, First Extraordinary Session.

[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. Part 3 (commencing with Section 23500) is added to Division 12 of the Elections Code, to read:

PART 3. UNIFORM DISTRICT ELECTION LAW

23500. This part may be cited as the Uniform District Election Law.

23501. It is the purpose of this part to provide a procedure for the election of elective officers of districts. Such elections shall be called and conducted and the results canvassed, returned and declared pursuant to this part.

23502. This part shall apply to all districts and agencies whose principal acts so provide.

Where the provisions of this part conflict with the provisions of the principal act, the provisions of this part shall apply and control.

This part shall not apply to the election of elective officers of the district upon formation of the district, except as to the term of office of such officers.

23503. As used in this part, unless the context otherwise requires:

(a) "District" means any district of the type designated by and formed pursuant to the provisions of any principal act which incorporates this part.

(b) "Governing body" means the board of directors of a district or the board or body which governs the activities of the district.

(c) "Principal act" means the law providing for the creation of a particular district or type of district.

(d) "Supervising authority" means the board of supervisors of the county in which is situated all or most of the land of a district.

(e) "Secretary" means the secretary of the governing body.

(f) "Affected county" means a county in which any land of the district is situated.

(g) "County clerk" means the registrar of voters or, if there is none, the county clerk of an affected county.

(h) "Elective office" means any office which may, under the principal act of the district, be filled by way of an election.

(i) "Elective officer" means "elective officer" as defined by the principal act of each district or if not defined, any officer of a district holding an office which can be filled by election.

(j) "Voter" means voter or elector as respectively defined in the principal act of each district.

(k) "General district election" means an election held pursuant to the provisions of this part.

(*l*) "Director" means a member of the governing body.

(m) "Landowner voting district" means a district whose principal act requires an elector to be an owner of land located within the district.

(n) "Resident voting district" means any district other than a landowner voting district.

23504. Whenever this part requires the secretary of a district to deliver a notice or other information to the county clerk on or before a designated date the secretary may personally deliver such notice or other information on or before that date, or may deliver such notice or other information by certified mail if such notice or other information will be received by the county clerk in the ordinary course of the mails on or before that designated date.

23505. The terms of office of elective officers in all districts existing prior to becoming subject to the provisions of this chapter shall be determined as follows:

(a) All officers taking office from and including noon on the last Friday in December of an odd-numbered year to and including December 31 of the next following even-numbered year shall hold office until noon on the last Friday in December of the second next following odd-numbered year, or until the end of the terms for which they were elected, whichever is shorter.

(b) All officers taking office during an odd-numbered year, prior to noon on the last Friday in December shall hold office until the end of the terms for which they were elected or appointed and their successors shall be elected at the next general district election and shall take office on the last Friday in December following their election.

(c) In any district in which the terms of office of the directors are not staggered, the directors elected at the first general district election shall meet as soon as practicable after taking office and classify themselves by lot into two classes, as nearly equal in number as possible, and the terms of office of the class having the greater number shall be four years and the terms of office of the class having the lesser number shall be two years.

(d) Any vacant office resulting from the operation of this section shall be filled by the board of directors; provided, that if the district board, not less than 130 days prior to the expiration of the terms for which vacancies are to be filled, by resolution declares its intention to hold an election to fill the vacancies, an election shall be held in lieu of appointment Such election shall be held pursuant to the provisions of the principal act as they existed prior to the enactment of this part. Terms of officers elected at such election shall expire at noon on the last Friday of the following December.

23506. The terms of office of elective officers in all new districts shall be determined as follows:

(a) If the district is formed in an odd-numbered year, the officers elected at the formation election shall hold office until noon on the last Friday in December of the next following odd-numbered year, provided officers elected at an election held on the first Tuesday after the first Monday in November shall hold office as provided in subdivision (c).

(b) If the district is formed in an even-numbered year, the officers elected at the formation election shall hold office until noon on the last Friday in December of the second next following odd-numbered year.

(c) The directors elected at the first general district election held in a district and at a formation election held at the same time as the general district election shall meet as soon as practicable after taking office and classify themselves by lot into two classes, as nearly equal in number as possible, and the terms of office of the class having the greater number shall be four years and the terms of office of the class having the lesser number shall be two years. All other elective officers elected at such election shall hold office for a term of four years or until their successor is elected and qualifies.

23507. Whenever a district shall increase the number of divisions, if there be such, the terms of office of the offices of director thus created shall be determined by the governing body, but in no event shall such term designated by the governing body be for more than four years. The terms of office thus created shall be determined in such a manner as to keep as nearly equal as practicable the number of directors to be elected at each subsequent general district election. Upon the expiration of such term so designated by the governing body, the directorship shall be filled at the next general district election and general district elections held thereafter. The

term of office of each subsequent director thus elected is four years or until his successor qualifies and takes office.

23508. Except as otherwise provided in this part, the term of office of each elective officer, elected or appointed pursuant to the provisions of this part, is four years or until his successor qualifies and takes office.

23509. A general district election shall be held in each district on the first Tuesday after the first Monday in November in each odd-numbered year to choose a successor for each elective officer the term of whose office will expire in the following December.

23510. The principal act shall govern whether directors of a district are elected by divisions or by the district at large.

23511. At least 75 days before the day fixed for the general district election the secretary shall publish a notice of the election once in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district published in any affected county in the district. The notice shall contain the date of the general district election and shall name the offices for which candidates may be nominated. The notice shall state the qualifications required by the principal act for each office for which candidates may be nominated. The notice shall state that official nominating petitions for eligible candidates desiring to file for any of the elective offices may be obtained from either the office of the secretary of the district or the office of the county clerk The notice shall state that appointment to each elective office will be made as prescribed by Section 23520 in the event there are no nominees or an insufficient number of nominees for such office and a petition for an election is not filed within the time period prescribed by Section 23520.

The secretary shall also post the notice of election at the district office.

23512. Forms for petitions required for nomination to all district offices shall be obtained from either the district secretary's office or the office of the county clerk. The forms shall first be available on the 75th day prior to the general district election and shall be filed not later than 5 p.m. on the 50th day prior to the general district election in the office of the secretary during regular office hours. At the time of issuance of such forms, there shall be filled in the name of the candidate and the office for which he is a candidate. The form shall be marked "Official Filing Petition" and signed by either the secretary or the county clerk. The petition shall be signed by 10 or more voters or 25 percent of the voters if the same be less than 40. The secretary shall record the date of filing upon the first page of each petition filed pursuant to this section

The nomination form and affidavits shall be substantially in the following form:

OFFICIAL FILING PETITION

Nomination of Candidate

We, the undersigned voters of the _____
(Name of district)
District, hereby nominate _____ for the
(Name of candidate)
office of _____ of said _____ District.
(Office) (Name of district)

Name	Date	Residence
_____	_____	_____
_____	_____	_____
_____	_____	_____

Affidavit of Circulator

State of California }
County of _____ } ss.

_____, being duly sworn, deposes and
(Name of circulator)
says:

That _____ circulated the foregoing petition and saw all
(he/she)
the signatures appended thereto and knows that they are the signatures of the persons whose names they purport to be.

_____
(Signature of circulator)

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

_____
Notary Public in and for the County
of _____, State of California.
My commission expires _____.

Affidavit of Nominee

State of California }
County of _____ } ss.

_____, being duly sworn, says that he
(Name of nominee)
is the above-named nominee for the office of _____, that
(Office)
he will accept the office in the event of his election, that he desires his name to appear on the ballot as follows:

_____
(Print name above)

that he desires the following occupational designation, containing not more than three words, to appear on the ballot under his name, and that such designation is correct.

_____
(Print desired designation, if any, above)

_____
(Signature of nominee)

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

_____
Notary Public in and for the County
of _____, State of California.
My commission expires _____.

An elective officer seeking nomination for, and election to, the same elective office he holds prior to the general district election shall be entitled to be designated on the ballot as an incumbent in lieu of an occupational designation if he states such desire in his affidavit.

Upon filing each nominating petition the secretary shall forthwith examine the petition and determine if it conforms with the provisions of this part. For this purpose the secretary shall be entitled to obtain from any officer of an affected county all information necessary to make such determination.

23513. The qualifications of a nominee and of an elective officer of a district shall be determined by the principal act of that district.

23514. Nothing in this part or in any general election law shall prohibit a person who is seeking nomination as a candidate for a district elective office from circulating a petition as provided for in Section 23512.

23515. Only names of persons properly nominated shall be printed on the ballots, but blank spaces shall be left below the printed names of candidates for each office, equal in number to the number of offices to be filled, wherein the voter may write the name of any person for whom he wishes to vote. Under the designation of the office for which each person named is a candidate shall first be listed the names of incumbents in alphabetical order and then the names of other candidates in alphabetical order.

23516. The secretary shall preserve in the district office for a period of four years and two months after the date of the general district election to which they relate all nominating petitions filed pursuant to this part.

23517. No voter shall sign the nominating petition of any person for whom he cannot vote. No voter shall sign more than one nominating petition for each vacant office. A voter who has voluntarily signed a nominating petition shall not be allowed to withdraw his name therefrom.

23518. No more than 64 days nor less than 57 days prior to the general district election the secretary shall publish a notice once in a newspaper of general circulation in the district if any of the following conditions exist at the time when the notice is submitted to such newspaper for publication:

(a) Only one person has been nominated for any elective office to be filled at the general district election.

(b) No person has been nominated for such office.

(c) In the case of directors to be elected from the district at large the number of nominees for director at large does not

exceed the number of offices of director at large to be filled at that election.

(d) In the case of directors to be nominated by division and elected at large the number of nominees for director at large from a division does not exceed the number required to be elected director at large nominated from that division.

23519. The notice required in Section 23518 shall state the following:

(a) That such condition or conditions existed at the time the notice was submitted to the newspaper for publication;

(b) The elective offices for which there were no nominees or an insufficient number of nominees at the time the notice was submitted to the newspaper for publication; and

(c) That if such condition or conditions relating to such elective offices exist on the 45th day prior to the day fixed for the general district election and a petition signed by 5 percent of the electors in the district requesting that a general district election be held for such offices has not been presented to the secretary of the district, appointment will be made as prescribed by Section 23520.

23520. If, by 5 p.m. on the 45th day prior to the day fixed for the general district election: only one person has been nominated for any elective office to be filled at that election; or no one has been nominated for such office; or in the case of directors to be elected from the district at large, the number of nominees for director at large does not exceed the number of offices of director at large to be filled at that election; or in the case of directors to be nominated by division and elected at large, the number of nominees for director at large from a division does not exceed the number required to be elected director at large nominated from that division, and if a petition signed by 5 percent of the electors in the district, or division if elected by division, requesting that the general district election be held has not been presented to the governing body of the district, the governing body shall by resolution immediately request that the supervising authority, at a regular or special meeting held prior to the day fixed for the election, appoint, and the supervising authority shall thereupon appoint, to such office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the supervising authority shall appoint any person to the office who is qualified on 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 general district election for such office.

Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of the county within which all or most of that division is located shall be the body to which request for appointment is made and which shall make such appointment.

23521. On the 49th day prior to the day fixed for the general district election the secretary shall deliver a notice to the county clerk. The notice shall bear the secretary's signature and the district seal and shall also contain the following:

(a) The elective offices of the district to be filled at the next general district election;

(b) The names of nominated candidates for each elective office to be filled at such election, the designation to appear on the ballot under each name and the order in which their names are to appear on the ballot.

(c) A statement of whether or not sufficient candidates have been nominated for each office so that an election shall be held or that an election shall be held only if a petition by 5 percent of the voters requests an election pursuant to Section 23520

23522. On the 44th day prior to the day fixed for the general district election the secretary shall deliver to the county clerk a notice which shall contain the title of each elective office of the district for which a general district election is required to be held as a result of a petition signed by 5 percent of the voters in the district requesting an election be held for such office having been presented to the governing body within the time provided for by Section 23520.

23523. Except as otherwise provided by this part the county clerk of each affected county shall conduct the general district election for the portion of the district located within such county.

Where a district is located in two or more counties the county clerks of such counties may contract among themselves to have one of their number conduct the election for such district.

23524. Each district involved in a general district election in an affected county shall reimburse such county for the actual costs incurred by the county clerk thereof in conducting the general district election for that district. The county clerk of the affected county shall determine the amount due from each such district and shall bill each such district accordingly.

23525. Qualifications of voters of a district, the number of votes each voter may cast, and the method of determining that number of votes shall be governed by the principal act of that district.

23526. At least 70 days prior to the day fixed for the general district election the secretary of a resident voting district shall deliver to the county clerk of each affected county a map showing the boundaries of the district and the boundaries of the divisions of the district, if any, within that county and a statement indicating in which divisions a director is to be elected and whether any elective officer is to be elected at large at the next general district election.

23527. At least 54 days prior to the date fixed by the general district election, the secretary of a landowner voting district shall deliver to the county clerk of each affected county

a map or description of the boundaries of the district or divisions for which elections are to be held.

23527.5. At least 35 days prior to the date fixed for the general district election the secretary of a landowner voting district, for which an election has not been canceled pursuant to Section 23520, shall deliver to the county clerk of each affected county a list of voters qualified under the principal act of that district to vote in that county at the next general district election. For this purpose the secretary of a landowner voting district shall be entitled to obtain from any officer of an affected county all information necessary to prepare the list.

The list shall contain the name of each voter qualified under the principal act of the landowner voting district to vote at the next general district election, the residence of each such voter, the division, if any, of the district in which each such voter is entitled to vote, and the number of votes under the principal act each such voter is entitled to cast for each elective office to be filled at the next general district election. If the names or addresses of any such voters are unknown to the secretary, it shall be sufficient if the list contains, with respect to each parcel within the district, the names of the owners thereof and their addresses as shown on the last equalized assessment roll of the county in which such land is located as determined on the third Monday in August.

The secretary of the landowner voting district shall sign his name and affix the seal of the district to the bottom of each page of the list.

23528. At least 30 days prior to the day fixed for the general district election, the county clerk shall

(a) Establish a convenient number of election precincts within the affected county.

(b) Define the precinct boundaries.

(c) Designate a polling place for each precinct.

(d) Appoint for each precinct from the voters of any district within that precinct one inspector, one or more judges and one or more clerks who shall constitute a precinct board for the precinct.

(e) Notify the members of each precinct board of their appointment and the location of the precinct and polling place where they will serve.

The county clerk, in establishing precincts and defining their boundaries, shall, to the extent practicable, provide for a single polling place where a voter entitled to vote in more than one registered voter district may cast all of his ballots.

In a landowner voting district, the county clerk shall designate the polling place at which a nonresident landowner shall vote.

23529. At least 30 days prior to the day fixed for the next general district election the county clerk shall have prepared a sufficient number of ballots for the voters of each resident voter district participating in the election.

23529.5. At least 20 days prior to the date fixed for the next general district election, the county clerk shall have prepared a sufficient number of ballots for the voters of each landowner voting district participating in the election.

23530. Except as otherwise provided by this part, the form of the ballot to be used by the voters of a landowner voting district participating in the general district election shall be governed by the principal act of that district.

The county clerk shall determine and specify the form of the ballot to be used by the voters of resident voting districts and may, if practicable, provide a consolidated ballot covering two or more district elections in the same precinct.

23531. Except in those districts in which voting by proxy is allowed, absent voting shall be allowed and conducted as nearly as practicable in accordance with the provisions of Chapter 4 (commencing with Section 14600) and Chapter 5 (commencing with Section 14800), of Division 9, pertaining to general elections.

23532. Nothing in this part shall prohibit a voter of a district, or his legal representative, from voting by proxy if such right is provided for by the principal act of that district, and the requirements and qualifications necessary for voting by proxy shall be governed, as nearly as practicable, by the principal act of that district.

23533. The county clerk shall prepare for each precinct one voter list and one roster for each ballot form to be used at the polling place of the precinct at the general district election. Where, as provided by Section 23530, the county clerk provides for a consolidated ballot covering two or more district elections in the same precinct he may also provide a consolidated voter list and consolidated roster for the electors receiving such consolidated ballot. The county clerk shall furnish each precinct board with its respective lists and rosters prior to the opening of the polls.

The voter list shall specify the number of votes each voter is entitled to cast.

23534. If the county clerk fails to appoint a precinct board or the members appointed are not present when the polls open on the day of the general district election, a majority of the voters of the precinct present at that hour, including members of the precinct board, may appoint the precinct board or appoint a person in place of an absent member.

23535. The inspector is chairman of the precinct board.

23536. If during the election any judge or clerk ceases to act, the inspector may appoint a substitute.

23537. If the inspector ceases to act, a majority of the remaining members of the precinct board may appoint a substitute.

23538. Any member of a precinct board may administer and certify oaths required to be administered during an election.

23539. Before opening the polls each member of the precinct board shall sign a declaration to perform faithfully his duties, before the inspector or before any other member of the board.

23540. At least 10 days prior to the day fixed for the general district election the county clerk shall mail a notice or notices to each voter. The notice or notices shall contain all of the following:

(a) The date and hours of the next general district election;

(b) The address of the polling place at which the voter is to vote; and

(c) The name of each district and the name and designation of the candidates for each elective office thereof for which voters at such polling place may vote.

The clerk may mail separate notices for each district participating in the election or consolidate the information for two or more districts in one notice.

23541. The polls shall open at 7 a.m. and remain open until 7 p.m. In any precinct in which all of the eligible voters have voted prior to the time for closing the polls, the precinct board may thereupon close the polls, canvass the votes and make the returns as required by law; provided, however, that regardless of the time of closing the polls, no totals of votes cast or other returns shall be announced or disclosed prior to 7 p.m.

23542. The principal act of each landowner voting district participating in the general district election shall govern the manner in which the ballot is delivered by the clerk or judge to a voter of that district, the method by which the voter casts his vote or votes and the manner in which the ballot is returned by the voter to the clerk or judge and placed in the ballot box.

23543. Voting shall be conducted, the canvass at the polls made and the returns delivered to the county clerk, except as otherwise provided by this part, as nearly as practicable in accordance with the provisions of this code pertaining to general elections.

23544. In each precinct as soon as all the votes are counted, a certificate shall be drawn up on or attached to at least one of the tally lists, designating for each office voted on the number of votes each candidate for the office has received.

23545. The certificates shall be signed by each member of the precinct board.

23546. The voted ballots shall then be sealed in an envelope by the inspector in the presence of the judge and each of them shall sign the envelope.

23547. The envelope, certificate with the roster of voters, tally lists, voter list, and the marked copy of index of voters if it is used shall be:

(a) Sealed in an envelope by the inspector in the presence of the judge and clerk.

(b) Endorsed "Election returns of (naming the precinct) precinct."

(c) Directed to the county clerk.

(d) Immediately delivered by the inspector or by a responsible person designated by him, to the county clerk.

23548. The envelopes containing the ballots shall, except for the purposes of a recount, be kept unopened by the county clerk for at least six months from the day of the general district election.

23549. If any voter files an affidavit with the county clerk stating facts sufficient reasonably to justify the belief that the vote of any precinct has not been correctly counted to the extent that a recount could change the results of the general district election, he may appear on the day appointed for the county clerk to open and canvass the returns and demand a recount of the vote of the precinct that is claimed to have been incorrectly counted.

Upon filing the affidavit the voter shall deposit with the county clerk an amount sufficient to cover the expense of the recount, as prescribed by the county clerk. The voter shall be entitled to the return of the balance of such deposit remaining after the expense of the recount has been paid.

23550. The county clerk shall commence the canvass of the returns on the first Monday after each general district election.

23551. The canvass shall be made in public and by opening the returns and determining the vote for each person voted for and declaring the results thereof.

23552. No roster, tally list, or certificate returned from any general district election shall be set aside or rejected for want of form if it can be satisfactorily understood.

23553. As soon as the result of the canvass by the county clerk is declared, the county clerk shall prepare and mail a statement of the result to the secretary of each district participating in the general district election. The statement shall be signed by the county clerk, authenticated by the seal of the county and shall show:

(a) The number of ballots cast for elective offices of that district and when directors of that district are elected by divisions, the number of such ballots cast in each division.

(b) The name of each candidate for an elective office of that district voted for and the office.

(c) The number of votes cast in each precinct for each such candidate.

(d) When directors are elected by divisions, the number of votes cast in each division for each such candidate for the office of director from that division.

(e) The number of votes cast in the district for all other elective offices of that district.

23554. No later than the last Monday in November in which the general district election is held the governing body at a regular or special meeting shall declare the elected candidate or candidates. If there is but one person to be elected to an elective office the candidate receiving the highest number of

votes cast for the candidates for that office shall be declared elected. If there are two or more persons to be elected to an elective office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected.

If a tie vote makes it impossible to determine which of two or more candidates has been elected, the governing body shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by a representative at a time and place designated by the governing body. The governing body shall at that time and place determine the tie by lot and the results thereof shall be declared by the governing body. The candidate so chosen shall qualify, take office and serve as though elected at the preceding general district election.

23555. The secretary shall immediately make and deliver to each person elected a certificate of election signed by the secretary and authenticated with the seal of the district.

23556. Elective officers, elected or appointed pursuant to the provisions of this part, take office at noon on the last Friday in December next following the general district election.

Prior to taking office, each elective officer shall take the official oath and execute such bond as may be required by the principal act.

23557. No election other than those conducted by a district subject to the provisions of this part shall be consolidated with an election held pursuant to the provisions of this part.

23558. No informalities in the conduct of the general district election or any matters related to it shall invalidate the election if fairly conducted.

SEC. 2. Section 20525 of the Water Code is amended to read:

20525. "General district election" is the district election required to be held on the first Tuesday after the first Monday in November in each odd-numbered year.

SEC. 3. Section 20573 is added to said code, to read:

20573. Districts governed by this division are subject to the provisions of the Uniform District Election Law.

SEC. 4. Section 21101 of said code is amended to read:

21101. Elective officers, irrespective of the method of their selection, take office as soon as they qualify, except that officers elected at a general district election take office at noon on the last Friday in December next following the general district election.

SEC 5. Section 21102 of said code is amended to read:

21102. Prior to the last Friday in December next following the general district election each elective officer shall take and subscribe the official oath and file it in the office of the district and execute the bond required of him.

SEC. 6. Section 21103 of said code is repealed.

SEC. 7. Section 21104 of said code is amended to read:

21104. The term of office of each elective officer subsequent to the officers elected at the formation election is four years or until his successor qualifies and takes office.

SEC. 8. Section 21105 of said code is repealed.

SEC. 9. Section 21106 of said code is repealed.

SEC. 10. Section 21121 of said code is amended to read:

21121. The order of consolidation shall be made at least 120 days prior to a general election and shall take effect at said election.

SEC. 11. Section 21122 of said code is amended to read:

21122. A board may at least 120 days before a general district election segregate consolidated offices, and each office so segregated shall be filled at said election.

SEC. 12. Section 21375 of said code is amended to read:

21375. On the first Tuesday after the original directors qualify and on the day on which the board holds its regular monthly meeting in January of the year succeeding the year in which a general election is held the directors shall meet and organize as a board and may transact any other business of the district.

SEC. 13. Section 21378 of said code is amended to read:

21378. The board, however, may by resolution entered upon its minutes fix any day of the month for its regular monthly meeting, or if more than one regular meeting is to be held each month it may fix the days for such regular meetings. When more than one regular meeting is held each month, the day of the first such meeting in January is the regular monthly meeting day in January for the purposes of this division. The change shall not be effective until the resolution proposing it has been published once a week for two successive weeks in a newspaper published in the office county.

SEC. 14. Section 21553 of said code is amended to read:

21553. The board shall order a change in the number of divisions or the method of electing directors or both if a petition therefor, signed by a majority of the holders of title to all of the land who are also the holders of title to a majority in value of the land, is filed in the district office at least 85 days before a general district election.

SEC. 15. Section 21554 of said code is amended to read:

21554. The board shall submit at a general district election a proposal for a change in the number of divisions or the method of electing directors or both when either:

(a) At least 120 days before the election a petition for the submission of a proposal therefor set forth in the petition, signed by at least 500 holders of title to land who are also the holders of title to at least 20 percent in value of all of the land, is filed in the district office.

(b) At least 90 days before the election the board adopts a resolution for the submission of a proposal therefor set forth in the resolution.

SEC. 16. Section 21555 of said code is amended to read:

21555. In submitting a proposal at the general district election the notices required by Sections 23511, 23521, and 23522 of the Elections Code shall contain a statement of the change or changes proposed to appear on the ballot.

SEC. 17. Section 21560 of said code is amended to read:

21560. If an order made pursuant to this article changes the number of divisions, the terms of office of all directors shall expire at noon on the last Friday in December following the next general district election after the order, and the directors elected at that election shall be equal in number to the number of divisions as changed and these directors shall at their first meeting classify themselves and determine the length of their respective terms in the manner provided in subdivision (c) of Section 23505 of the Elections Code.

SEC. 18. Section 21582 of said code is amended to read:

21582. At least 120 days before any general district election a majority of the electors in the district having no divisions may file in the district office a petition signed by them requesting the board to establish divisions.

SEC. 19. Section 21587 of said code is amended to read:

21587. At the general district election next following the making of the order directors shall be elected at large in the district, one director to represent each division.

SEC. 20. Section 21588 of said code is amended to read:

21588. The directors so elected shall at their first meeting classify themselves into two groups in the same manner and with the same effect as provided in subdivision (c) of Section 23505 of the Elections Code. The classification shall not affect the term of any offices other than those held by the directors.

SEC. 21. Section 21605 of said code is amended to read:

21605. When it deems it advisable for the best interests of the district and the convenience of its voters, the board may, not less than 90 days before a general district election, change the boundaries of the divisions. The changes shall be made to keep the divisions as nearly equal in area and population as may be practicable. The changes shall be shown on the minutes of the board.

SEC. 22. Section 21606 of said code is amended to read:

21606. When land is excluded from a district after its formation, if the board deems it desirable, but not less than 90 days before any election in the district, it may reestablish the boundaries of the divisions within the district.

SEC. 23. Section 21607 of said code is amended to read:

21607. When land is included within a district after its formation, its board shall, not less than 90 days before any election in the district, reestablish the boundaries of the divisions within the district so as to include the included land therein and so as to make the divisions as nearly equal in size and population as may be practicable.

SEC. 24. Section 21608 of said code is amended to read:

21608. When land is included within a district after its formation and less than 90 days before an election, the voters in the area included shall not be entitled to vote at the election.

SEC. 25. Article 4 (commencing with Section 21625) of Chapter 1 of Part 4 of Division 11 of said code is repealed.

SEC. 26. Article 1 (commencing with Section 21650) of Chapter 2 of Part 4 of Division 11 of said code is repealed.

SEC. 27. Article 2 (commencing with Section 21675) of Chapter 2 of Part 4 of Division 11 of said code is repealed.

SEC. 28. Article 3 (commencing with Section 21705) of Chapter 2 of Part 4 of Division 11 of said code is repealed.

SEC. 29. Article 5 (commencing with Section 21735) of Chapter 2 of Part 4 of Division 11 of said code is repealed.

SEC. 30. Section 21827 of said code is amended to read:

21827. If a general district election is to be held not less than 40 nor more than 65 days from the making of the order calling a recall election, the board shall submit the recall proposal and candidates at the general election.

SEC. 31. Section 21830 of said code is amended to read:

21830. Nominations for candidates for any office to be filled at a recall election shall be made in the manner prescribed for nominations for candidates at general district elections and shall be filed not less than 40 days before the election.

SEC. 32. Section 21834 of said code is amended to read:

21834. A recall election shall be conducted, canvassed, and the result declared in substantially the manner provided for a general district election.

SEC. 33. Section 21932 of said code is amended to read:

21932. Bond elections shall be held and the result determined and declared as nearly as practicable in conformity with general district elections.

SEC. 34. Section 22175 of said code is amended to read:

22175. The election shall be held and the result determined and declared as nearly as practicable in conformity with general district elections.

SEC. 35. Section 22977 of said code is amended to read:

22977. In the event that the board of the El Dorado Irrigation District determines that it may be for the best interests of the district for the district to have seven divisions for the purposes of Part 5 (commencing with Section 21550), it may propose, by resolution, the creation of seven divisions, the boundaries of which are set forth therein. The resolution shall be published pursuant to Section 6066 of the Government Code together with a notice of a hearing to be held to consider the proposal. At the time stated in the notice for the hearing, the board shall consider the proposal and hear any owners of taxable property within the district who desire to support or oppose the proposal. If after the hearing, the board determines that it is for the best interests of the district to have the seven divisions with boundaries as proposed or as amended at the hearing, it shall, by resolution, estab-

lish the divisions and describe their boundaries. Upon the adoption of the resolution establishing seven divisions, the board shall appoint two additional directors at large who shall serve until the next general district election.

Notwithstanding the adoption of the resolution establishing the seven divisions, the five directors in office at the time of such establishment shall continue to serve until the next general district election. At such general district election, a director shall be elected in each of the seven divisions established by the board's resolution. The directors elected at such election shall classify themselves by lot so that three shall serve for terms of two years and four shall serve for terms of four years. Thereafter, their successors shall serve for terms of four years

SEC. 36. Section 25676 of said code is amended to read:

25676. The election shall be held and the result determined and declared as nearly as practicable in conformity with the provisions governing general district elections.

SEC. 36.5. Section 26604 of said code is amended to read:

26604. The acceptance of the county's terms by the district as evidenced by the board's resolution shall constitute a contract between the county and the district which shall become effective on the last Friday of December next following its adoption and which shall continue for a term of four years from its effective date. The contract shall be automatically renewed for successive four-year terms unless terminated by either the district or the county by the adoption of a resolution and its service on either the clerk of the board of supervisors by the district, or on the secretary of the district by the county, at least 90 days prior to the expiration of the then current term of the contract.

SEC. 37. Section 30019 of said code is amended to read:

30019. "General district election" means the election required to be held in each district on the first Tuesday after the first Monday in November in each odd-numbered year.

SEC. 38. Section 30020 of said code is amended to read:

30020. "Special water district election" means any district election other than a general district election.

SEC. 39. Section 30068 is added to said code, to read:

30068. Districts governed by this division are subject to the provisions of the Uniform District Election Law.

SEC. 40. Section 30501 of said code is amended to read:

30501. The directors first elected upon the formation of the district shall hold office pursuant to the provisions of Section 23506 of the Elections Code.

SEC. 41. Section 30520 of said code is amended to read:

30520. Within 30 days after the election of the first directors and thereafter on the last Friday in December next following each general district election the directors shall meet and organize as a board.

SEC. 42. Section 30700 of said code is amended to read:

30700. The provisions of the Elections Code relating to the qualifications of electors, so far as they may be applicable, shall govern all water district elections except:

(a) To the extent that the provisions of the Elections Code pertaining to the qualification of voters at local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions of the Elections Code pertaining to local elections shall control.

(b) Inconsistent provisions of this division shall control over any provision of the Elections Code except the Uniform District Election Law.

SEC. 43. Section 30701 of said code is repealed.

SEC. 44. Section 30701.5 of said code is repealed.

SEC. 45. Section 30701.6 of said code is repealed.

SEC. 46. Section 30702 of said code is repealed.

SEC. 47. Section 30703 of said code is repealed.

SEC. 48. Section 30704 of said code is repealed.

SEC. 49. Section 30705 of said code is repealed.

SEC. 50. Section 30706 of said code is repealed.

SEC. 51. Section 30731 of said code is amended to read:

30731. If the question is submitted to the voters at a general district election, the notices required by Sections 23511, 23521, and 23522 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at any district election, other than a general district election, the notice of election and ballot shall contain a statement of the question.

SEC. 52. Section 30732 of said code is repealed.

SEC. 53. Section 30733 of said code is amended to read:

30733. If at the election the majority of the voters voting upon the question approves the election of directors by divisions, then:

(a) The board shall promptly by resolution divide the district into five divisions as nearly equal in acreage as practicable and assign a number to each division.

(b) The board may thereafter, at any time but not less than 85 days before a general district election, by resolution change the boundaries of the divisions to keep them as nearly equal in size as practicable.

SEC. 54. Section 30734 of said code is amended to read:

30734. The board shall, not less than 85 days prior to the general district election next after the election approving the election of directors by divisions, by resolution designate which divisions shall elect directors at that election to succeed the directors whose terms then expire.

The remaining divisions shall elect directors at the general district election next following that election.

SEC. 55. Article 2 (commencing with Section 30745) of Chapter 2 of Part 4 of Division 12 of said code is repealed.

SEC. 56. Section 30770 of said code is repealed.

SEC. 57. Section 30770.5 of said code is repealed.

SEC. 58. Section 30771 of said code is repealed.

SEC. 59. Section 30772 of said code is repealed.

SEC. 60. Section 30773 of said code is amended to read:

30773. The provisions of this article shall apply only to the Pleasant Valley County Water District, heretofore formed in Pleasant Valley, Ventura County, and the Kings County Water District, heretofore formed in Kings County.

SEC. 61. Section 30783 of said code is repealed.

SEC. 62. Article 4 (commencing with Section 30800) of Chapter 2 of Part 4 of Division 12 of said code is repealed.

SEC. 63. Article 5 (commencing with Section 30815) of Chapter 2 of Part 4 of Division 12 of said code is repealed.

SEC. 64. Section 34025 of said code is amended to read:

34025. "General district election" means the district election required to be held on the first Tuesday after the first Monday in November in each odd-numbered year.

SEC. 65. Section 34053 of said code is amended to read:

34053. No supervisor, auditor, or clerk of any county shall receive any fee for any service required to be performed by him under the provisions of this division provided, however, that the county clerk shall be compensated for the expense of the conduct of the election.

SEC. 66. Section 34055 is added to said code, to read:

34055. Districts governed by this division are subject to the provisions of the Uniform District Election Law.

SEC. 67 Section 34424 of said code is amended to read:

34424. The election shall be held and the result determined and declared as nearly as may be pursuant to Chapters 1 and 2 of Part 4 of this division and the Uniform District Election Law.

SEC. 68. Section 34701 of said code is amended to read:

34701. Officers take office as soon as they qualify except that officers elected or appointed pursuant to the Uniform District Election Law shall take office at noon on the last Friday in December next following the general district election.

SEC. 69. Section 34702 of said code is repealed.

SEC. 70. Section 34703 of said code is repealed.

SEC. 71. Section 34704 of said code is repealed.

SEC. 72. Section 34705 of said code is amended to read:

34705. The term of office of each elective officer subsequent to the officers elected at the formation election is four years or until his successor qualifies and takes office.

SEC. 73. Section 34706 of said code is repealed.

SEC. 74. Section 34708 of said code is amended to read:

34708. At any time after four years from the date of the formation of a district, and from time to time thereafter, the board may, by resolution, increase the number of directors to serve thereon to 7, 9 or 11, and may designate the first additional members to serve on said enlarged board. The board shall determine the term of office of each of the new directors so appointed, but in no event shall such term designated by the board be for more than four years. The terms of office thus

created shall be determined in such a manner as to keep as nearly equal as practicable the number of directors to be elected at each subsequent general district election. Upon the expiration of such term so designated by the board said directorship shall be filled at the next general district election and general district elections held thereafter for the election of officers of the district. The term of office of each director elected at a general district election is four years or until his successor qualifies and takes office.

SEC. 75. Section 34726 of said code is amended to read:

34726. The order of consolidation of offices shall be made at least 90 days prior to a general district election.

SEC. 76. Section 34727 of said code is amended to read:

34727. The board may, at least 90 days before a general district election, segregate any offices which have previously been consolidated.

SEC. 77. Section 35000 of said code is repealed.

SEC. 78. Section 35001 of said code is amended to read:

35001. Except as otherwise provided in this division, all district elections, except the general district elections, shall be called, held, and conducted at the time, place, and in the manner provided by the bylaws.

SEC. 79. Section 35002 of said code is repealed.

SEC. 80. Section 35006 of said code is amended to read:

35006. Before a legal representative votes at a district election he shall present to the precinct board a certified copy of his authority which shall be kept and filed with the returns of the election.

SEC. 81. Section 35007 of said code is repealed.

SEC. 82. Section 35025 of said code is amended to read:

35025. Each district may be divided into as many divisions as there are directors of the district. The establishment of the divisions and the boundaries thereof shall be made by the board of supervisors, who shall make such division if requested by a resolution passed by a majority of the board of directors or upon a petition signed by a majority of eligible voters within the boundaries of the district. Said resolution or petition shall be filed with the board of supervisors at least 140 days before the next general district election.

SEC. 83. Section 35030 of said code is amended to read:

35030. At least 80 days prior to the next general district election, the board shall designate the divisions from which directors shall be elected. The number designated shall equal the number of directors to be elected at that election. At the next succeeding general district election, the directors shall be elected from the remaining divisions.

SEC. 84. Article 3 (commencing with Section 35050) of Chapter 1 of Part 4 of Division 13 of said code is repealed.

SEC. 85. Section 35100 of said code is repealed.

SEC. 86. Section 35101 of said code is repealed.

SEC. 87. Section 35102 of said code is repealed.

SEC. 88. Section 35103 of said code is repealed.

SEC. 89. Section 35104 of said code is repealed.

SEC. 90. Section 35105 of said code is repealed.

SEC. 91. Section 35106 of said code is amended to read:

35106. The ballots used at the general district election shall be provided by the county clerk pursuant to the provisions of the Uniform District Election Law and shall be in the following form:

(a) Each ballot shall have a perforated line across the top portion of the ballot two inches down and parallel to the top thereof. From this perforated line to the top of the ballot a vertical perforated line shall be placed in the center of the ballot.

(b) Above the perforated line and on both sides of the vertical perforation the ballot shall be printed with the name of the district, the date of the election and the ballot number. All ballots shall be numbered consecutively starting with number one.

(c) Above the perforated line and to the left of the vertical perforation shall be printed: "Number of votes entitled to cast:".

(d) Below the perforated line the following shall be printed in the order enumerated:

(1) The name of the district and the date of the election.

(2) "Number of votes entitled to cast:".

(3) A solid black line. Immediately under the line shall be printed: "Fold bottom of ballot up to this line."

(4) The names of the candidates with the incumbents for each office named first followed by the other candidates for that office in alphabetical order.

(5) Any propositions or other matters to be submitted to the voters.

(e) Appropriate squares shall be placed after each candidate and proposition on the right side of the ballot.

(f) Appropriate voting instructions may be placed on the ballot.

SEC. 92. Section 35107 of said code is amended to read:

35107. The following procedures shall be used at the polls by the precinct board appointed pursuant to Section 23528 of the Elections Code:

(a) A register of voters shall be kept by a clerk. A copy of the list of voters and the number of votes each may cast with appropriate spaces for signatures shall be used for this purpose.

(b) Each qualified voter who votes shall sign the register opposite his name.

(c) Any voter holding a proxy or authority of legal representative shall deliver it to the judge for inspection. If the proxy or authority is valid the voter shall sign his own name followed by the word "proxy" or "authority" in the register opposite the name of the person giving the proxy or the authority.

(d) A list of persons casting ballots shall be kept by a clerk. A copy of the list of voters and the number of votes each may cast with an appropriate space for inserting the ballot number opposite the names listed therein shall be used for this purpose.

(e) As each voter signs the register the clerk keeping the list of persons casting ballots shall announce the number of votes he is entitled to cast. The judge shall insert in ink in both spaces on a ballot the number of votes the voter is entitled to cast on that ballot. The number of that ballot shall be placed on the list of persons casting ballots by the clerk opposite the name of the voter or if a proxy or authority of legal representative is being voted opposite the name of the person giving the proxy or authority of legal representative.

(f) The ballot and the ballot number shall be checked by the judge and the clerk for accuracy. Any errors shall be corrected and initialed by the judge and the inspector.

(g) The judge shall fold the ballot by placing the bottom of the ballot on the line marked for that purpose. The ballot shall be refolded by placing the folded bottom on the line marked for folding so that the ballot is folded twice.

(h) The judge shall remove from the ballot the portion above the perforated line and to the left of the vertical perforation. This ballot slip shall be handed to the clerk. If a proxy or authority of legal representative is being voted the judge shall attach the proxy or authority to the ballot slip.

(i) The judge shall hand the folded ballot to the voter who shall take it into a voting booth which shall be so constructed as to insure privacy. The booth shall be provided with a rubber cross stamp and ink pad. The ballot shall be marked only with the rubber stamp by the voter.

(j) After voting the voter shall refold the ballot and deliver it to the clerk.

(k) The clerk shall examine only that portion of the ballot which is exposed above the fold line. The clerk shall check that the number of votes marked on the ballot corresponds with the number of votes on the ballot slip of that ballot. Any error in the number of votes shall be corrected by the inspector in ink and initialed by both the inspector and the judge.

(*l*) After the clerk has passed the ballot he shall remove from the ballot the remaining portion above the perforated line, deliver this to the voter and place the folded ballot into the ballot box. The ballot box shall be kept locked while the polls are open.

(m) The clerk shall file as a part of the election records required by Section 23547 of the Elections Code the ballot slip and any proxy or authority of legal representative attached thereto.

SEC. 93. Section 35108 of said code is repealed.

SEC. 94. Section 35109 of said code is repealed.

SEC. 95. Section 35110 of said code is amended to read:

35110. As soon as the result of the canvass by the county clerk is declared, the county clerk shall prepare and mail to the board of supervisors the statement prescribed in Section 23553 of the Elections Code.

SEC. 96. Section 35112 of said code is repealed.

SEC. 97. Section 35125 of said code is amended to read:

35125. Any person interested may commence the contest of a district election, other than a general district election, within 20 days after the result has been declared by filing a complaint in the superior court of the county where the election was held. If no contest is commenced within that time the declaration of the result by the board of election is final and conclusive.

SEC. 98. Section 35303 of said code is amended to read:

35303. The bylaws shall provide for:

(a) The manner of calling elections other than general district elections.

(b) The time, place, and manner of conducting elections other than general district elections.

(c) The manner of voting in person or by proxy.

(d) The qualifications and duties of officers, the tenure of their office, and the time and manner of their appointment or election, insofar as not provided for in the Uniform District Election Law.

(e) The compensation of officers.

SEC. 99. Section 37334 of said code is amended to read:

37334. If land is excluded from any district, the board, if it deems it desirable, but not less than 30 days before any election in the district, may reestablish the boundaries of the divisions and election precincts within the district, if any. If the change of such boundaries is other than to reflect land excluded, such boundaries shall be reestablished not less than 90 days before any election in the district.

SEC. 133. Section 74019 of said code is amended to read:

74019. "General district election" means the election held on the first Tuesday after the first Monday in November of each odd-numbered year, after the organization of the district, at which directors for the district shall be elected to fill the offices of the directors whose terms of office shall then expire, in accordance with the provisions of this division and the Uniform District Election Law. The election shall be called and conducted and the results canvassed, returned, and declared pursuant to the provisions of the Uniform District Election Law.

SEC. 134. Section 74202 of said code is amended to read:

74202. The directors of any district who shall be thus elected shall hold office pursuant to the provisions of Section 23506 of the Elections Code.

SEC. 135. Section 74205 of said code is amended to read:

74205. Upon his election or appointment, each person who shall be elected or appointed to the office of director shall

qualify as such by taking and subscribing to an official oath and executing and filing a bond as provided in Section 74206.

SEC. 136. Section 74220 of said code is amended to read:

74220. On the first Tuesday next following the formation election, as to the first board, and on the last Friday in December next following each general district election, as to subsequent boards, the directors shall meet and organize as a board.

SEC. 137. Chapter 1 (commencing with Section 74350) of Part 4, Division 21, of said code, is repealed.

SEC. 138. Chapter 2 (commencing with Section 74410), Part 4, Division 21, of said code, is repealed.

SEC. 166. Section 9 of the Orange County Water District Act (Ch. 924, Stats. 1933) is amended to read:

Sec. 9. The provisions of this section shall not apply to Divisions 8, 9 and 10 of said district, where the directors therefrom are appointed as provided elsewhere in this act.

Only the holders of title to land situated within said district or to assessable rights in said lands, or to improvements on said lands, shall be entitled to vote at any election for directors held under the provisions of this act, and every such holder of title shall be entitled to vote in person or by proxy as hereinafter provided in each division of said district in which any of the lands, including assessable rights therein or improvements thereon, owned by him are situated, and to cast one vote for each one hundred dollars ($100) or fraction thereof worth of land including assessable rights therein or improvements thereon, in each said division so owned by him.

The boundaries of the respective divisions, for the purpose of nomination and election of directors, as provided in this section, shall be the boundaries of said divisions as they shall exist as provided by Section 1 of this act, on the first Tuesday of August preceding the date of election.

Such ownership and value shall be determined from the last equalized assessment roll of said Orange County.

Where land is owned by two or more persons, the votes shall be divided in accordance with the interests of each owner. Where land is assessed to unknown owners or anyone other than the true owner, any person producing a certificate of a title insurance or abstract company certifying the true ownership of such land at the date of the election, or at any time within five days previous thereto, accompanied by an affidavit of the person certified to be the owner that he is the owner of the property at the time of the election, said person so certified to be the owner shall be entitled to vote in like manner as if his name appeared upon the assessment rolls as above mentioned unless the owner as shown on the assessment roll has voted prior to the time such certificate and affidavit is furnished to the precinct board.

Where corporations or partnerships appear as the owners of property, the votes of such owners shall be cast by any person holding a proxy from such corporation or firm. Execu-

tors, administrators, special administrators and guardians and trustees may cast the votes of the estates represented by them upon filing with the precinct board a certified copy of their letters testamentary or of administration or guardianship or of appointment as trustee. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property, and filed with the precinct board.

Said election shall be conducted in accordance with the provisions of the Uniform District Election Law, and except as herein otherwise provided. The election officer in delivering to each voter his ballot shall ascertain and write upon the ballot the number of votes the holder of the ballot is entitled to cast, and in canvassing the returns shall see to it that the number of votes cast does not exceed the number of votes such voter was entitled to cast, but if there is an excess, the ballot shall not be disregarded or invalidated but only the number which the voter was entitled to cast shall be counted.

SEC. 167. Section 10 of said act is repealed.

SEC. 168. Section 12 of said act is amended to read:

Sec. 12. Subject to the provisions of Section 14.1 hereof, an election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, in those divisions of 1 to 7 inclusive, at which directors for said district shall be elected to fill the offices of the directors whose terms of office shall expire at noon on the last Friday in December thereafter, in accordance with the provisions of this act. The person receiving the highest number of votes for the office of director in a division is elected director from that division.

In Divisions 8, 9 and 10 of said district, the governing body of the city comprising each such division shall appoint the director to represent such division upon the board of directors, to serve at the pleasure of such governing body. Within 60 days after the amendment to this act shall take effect, the governing bodies of all of such cities shall appoint such director who shall qualify in all matters as an elected director.

Vacancies occurring in the board of directors by reason of death, resignation or otherwise, shall be filled by appointment by the remaining directors in office, except that if the vacancy is that of an appointed director, the appointing body shall appoint a successor. A director so appointed shall hold office for the unexpired term of his predecessor. Within 10 days after receiving their respective certificates of election, or notice of appointment, each person who shall be elected or appointed to the office of director shall qualify as such by taking and subscribing an official oath of office and filing the same with the secretary of said district.

Each director shall execute an official bond in the sum of one thousand dollars ($1,000) which shall be approved by a judge of the Superior Court of the County of Orange, and shall be recorded in the office of the county recorder of such county,

and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of the county officers.

Premiums for bonds required by this act shall constitute a proper charge against said district.

SEC. 169. Section 13 of said act is amended to read:

Sec. 13. On the last Friday in December next following their election, the directors elected at that election, those whose terms have not expired and those appointed, shall meet and organize as a board, elect a president and vice president, and may appoint a secretary or assistant secretary, who shall each hold office during the pleasure of the board. Each director appointed or elected shall hold office until his successor is elected, or appointed, and has qualified. The term of office of each elected director is hereby fixed at four years, except as herein otherwise provided or as provided in the Uniform District Election Law. The office of said district shall be established by the board of directors at some proper and convenient place within the County of Orange, but does not have to be established or maintained within said district. After the office is once established, it shall not be changed without giving notice thereof by posting in three public places within said district and by publishing a similar notice pursuant to Section 6066 of the Government Code at least once a week for two weeks in some newspaper of general circulation published in said Orange County.

The secretary and assistant secretary of said district need not be one of the directors. The salary of the secretary and assistant secretary and amount of the bond to be given for the faithful performance of his duties shall be fixed by the board of directors. The bond of the secretary and assistant secretary of said district shall be recorded in the office of the recorder of said Orange County and then filed with the president of the board of directors of said district.

SEC. 170. Section 14 of said act is repealed.

SEC. 171. Section 14.1 of said act is repealed.

SEC. 172. Section 14.2 of said act is repealed.

SEC. 173. Section 15 of said act is amended to read:

Sec. 15. At the first meeting of the board of directors of said district following receipt of a certificate of appointment of a director from Division 8, 9 or 10, the board of directors shall declare to be duly appointed as a director of said district, all such directors certified as appointed by the governing body of the city comprising each such division.

SEC. 174. Section 5 of the Kings River Conservation District Act (Ch. 931, Stats. 1951) is amended to read:

Sec 5. As used in this act the following words shall have the following meanings unless by the context otherwise indicated, and the definition of a word applies to any of its variants:

(a) "District" means Kings River Conservation District.

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

(c) "President" means the president of the board.

(d) "Secretary" means the secretary of the board.

(e) "General district election" means the election required to be held in the district on the first Tuesday after the first Monday in November in each odd-numbered year.

(f) "Special district election" means any district election other than a general district election.

(g) "Elector," "voter," and "precinct board" have, respectively, the same meanings as in the Elections Code, but an elector or voter shall also be a resident of the district and, when required, of a division thereof.

(h) "Property" embraces all real and personal property.

(i) "Works" includes conduits, canals, embankments, dams, reservoirs, wells, pumps, tunnels, powerhouses, power generating equipment, powerlines, and other appliances and other facilities useful in the control, conservation, drainage, diversion and transmission of waters and in the generation, control and transmission of electrical power, and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to maintain any of the foregoing.

(j) "Conduits" includes canals, laterals, ditches, flumes, pipes and their appurtenances.

(k) "Operate" includes use, maintenance and repair.

(*l*) "Street" includes road, alley, avenue, highway and public way.

(m) "United States" includes the United States of America and all bureaus, commissions, divisions, departments, boards, agencies and officers of the United States of America.

(n) "State of California" includes the State of California and all bureaus, commissions, divisions, departments, agencies and officers of the State of California.

SEC. 175. Section 9 of said act is amended to read:

Sec. 9. Within 30 days after the effective date of this act the Governor shall appoint seven directors to serve as such until the first general district election, each of whom must be an elector, landowner, and resident of the district. At least one director shall be appointed from each division and be a resident, landowner, and elector thereof. Within 30 days after such appointment, the first directors, and thereafter on the last Friday in December after each general district election, the directors shall meet and organize as a board.

SEC. 176. Section 24 of said act is amended to read:

Sec. 24. Except as herein otherwise provided, the provisions of the Elections Code relating to the qualifications of voters, the manner of voting, the duties of election officers, the canvassing of returns and all other particulars with respect to the management of general elections so far as may be applicable shall govern all district elections; provided, however, that to the extent that the provisions of the Elections Code pertaining to the conduct of local elections are incon-

sistent with the provisions of that code pertaining to general elections, the provisions of the Elections Code pertaining to local elections shall control; provided further, that to the extent the provisions of the Uniform District Election Law are inconsistent with the provisions of the Elections Code pertaining to general or local elections, the provisions of the Uniform District Election Law shall control. The election of directors shall be held on the first Tuesday after the first Monday in November in each odd-numbered year, and each director must be an elector, landowner and resident of the division by which he is elected, except the director elected at large who may be an elector, landowner and resident of any division.

The candidate receiving the highest number of votes cast in the division for the office of director therefrom shall be declared elected. The candidates for the office of director at large receiving the highest number of votes cast in the district shall be declared elected.

SEC. 177. Section 24.1 of said act is repealed.

SEC. 178. Section 9 of San Benito County Water Conservation and Flood Control District Act (Ch. 1598, Stats. 1953) is amended to read:

Sec. 9. The governing body of the district shall be a board of five directors of whom two shall be appointed by the board of supervisors of the county within 30 days after the effective date of the amendment of this section at the 1963 Regular Session to serve at the pleasure of said board of supervisors but for not to exceed four years. Such members may be reappointed. The three remaining members of the board shall be, initially, appointed by said board of supervisors within 30 days after the effective date of this section at the 1963 Regular Session. Said three offices shall thereafter be filled by election at large by the voters of the district as hereinafter provided.

The two directors first appointed to serve at the pleasure of the county board of supervisors shall classify themselves by lot so that one of them shall hold office until his successor takes office following his appointment after two years and the other of them shall hold office until his successor takes office following his appointment after four years; provided, that either such director may be removed at any time at the pleasure of the said board of supervisors and his successor appointed to fill the remainder of his term.

The three directors whose offices are thereafter to be filled by election at large shall when first appointed be appointed so that one shall hold office until his successor takes office following his election at the first succeeding general district election, and so that two shall hold office until their successors take office following their election at the second succeeding general district election.

The three directors elected at large, except the first such directors, shall each be elected at the general district election and serve a term of four years. Each candidate for director at

the general district election shall declare his candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, pursuant to the provisions of the Uniform District Election Law. The candidate receiving the highest number of votes shall be elected. Vacancies among elected directors, including the failure of an elected person to qualify, shall be filled by the appointment by the remaining directors of a person who is eligible to be elected for the vacancy. Directors shall be residents and landowners within the district.

SEC. 179. Section 9.3 of said act is amended to read:

Sec. 9.3 A general district election shall be held in the district on the first Tuesday after the first Monday in November in each odd-numbered year, at which a successor shall be chosen for each director whose term of elective office expires thereafter.

Each person nominated shall be an owner of land and a resident within the district. For this purpose ownership of land may be shown by reference to the last equalized assessment roll of the county. Prior to casting a ballot at such election every voter must execute an affidavit that he is an owner of land within the district at the time of the election and submit such affidavit with his ballot.

SEC. 180. Section 9.4 of said act is repealed.

SEC. 181. Section 9.5 of said act is amended to read:

Sec. 9.5. Directors elected, or appointed in the absence of an election, shall qualify within 20 days after receiving the certificate of the secretary by taking the oath. The premiums on directors bonds required by this act shall be paid by the district. Directors when qualified shall take office at noon on the last Friday in December next following their election, or appointment in the absence of election.

Each director shall execute an official bond in the sum of two thousand five hundred dollars ($2,500) which shall be approved by the judge of the superior court of the county, and shall be recorded in the office of the county recorder of the county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of county officers.

SEC. 182. Section 4 of the Mojave Water Agency Law (Ch. 2146, Stats. 1959) is amended to read:

Sec. 4. The board of directors shall consist of 11 directors, all of whom shall be registered to vote within the agency. The directors first elected and appointed under this act shall hold office until the third Tuesday in April, 1961, and the election and qualifications of their successors.

The term of office of each director shall be four years or as provided in the Uniform District Election Law.

All vacancies occurring in the office of director shall be filled by appointment by the remaining directors elected and appointed. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy exists.

Successive elective members of the board of directors shall be elected by the voters of the agency as provided in this act and the three remaining members of the board of directors shall be appointed as provided for in this act.

On the third Tuesday of April, 1961, seven members of said board of directors, designated and referred to as members numbered 1 through 7, respectively, shall be elected, one from each of the seven divisions of the agency as in Section 3.1. Each such director shall be voted on only by those voters living within the division of which said director is a registered voter and one director, designated and referred to as director number 8, shall be elected by the voters of the agency at large, in accordance with the provisions of this act pertaining to the qualifications of directors. The remaining three directors designated and referred to as directors numbers 9, 10 and 11, and shall each be appointed within 15 days after the elective directors are elected, as follows:

(a) Director number 9 shall be appointed by the Board of Supervisors of San Bernardino County from the San Bernardino County Flood Control Advisory Committee Zone 4 or 6.

(b) Director number 10 shall be appointed by the governing body of the Mojave Desert Soil Conservation District;

(c) Director number 11 shall be appointed by the governing bodies of the several municipalities and districts lying in whole or in part within the agency which are authorized by law to sell and distribute water, each of which shall have one vote in the appointment of said director, and the person receiving the greatest number of votes shall be deemed appointed.

Of the seven divisional directors first elected from each of the seven divisions, directors numbers 1, 3, 5 and 7 shall hold office until their successors are elected and qualified at the general agency election which shall be held in the first succeeding odd-numbered year, more than six months from the election at which the said directors were elected. Directors numbers 2, 4 and 6 shall hold office until their successors are elected and qualified at the general agency election which shall be held in the second succeeding odd-numbered year.

The one director elected from the agency at large at the election held on the third Tuesday of April 1961, shall hold office until his successor is elected and qualified at the second succeeding general agency election.

Of the three directors appointed after the election held on the third Tuesday of April 1961, director number 9 shall hold office until his successor is appointed and qualified within 15 days after the general agency election which shall be held in the first succeeding odd-numbered year. Directors numbers 10 and 11 shall hold office until their successors are appointed

and qualified within 15 days after the general agency election which shall be held in the second succeeding odd-numbered year.

In case any two or more persons receive an equal number of votes, the governing board of the agency shall forthwith summon the candidates who have received tie votes to appear before it, at a time and place to be designated by the board, and the board shall at that time and place determine the tie by lot.

No more than three directors, either elected or appointed, may be residents of any one division. In the event of the election or appointment, or the election and appointment, of more than three directors from any one division, the governing board of the agency shall be the judge of the qualifications of its members and of election returns subject to the provisions of this act.

The succeeding elective directors shall be nominated and elected at the agency general election which shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. The election shall be conducted in accordance with the provisions of the Uniform District Election Law, and elective and appointive directors shall take office at noon on the last Friday in December next following the agency general election.

SEC. 183. Section 5 of said act is repealed.

SEC. 184. Section 7 of said act is amended to read:

Sec. 7. The board of directors of the agency shall call and canvass all elections involving matters of initiative and referendum and shall call all other elections which it is authorized to canvass.

The governing body calling or conducting any election under the provisions of this act shall fix the compensation to be paid the officers of the election and shall designate the precincts and polling places for each division of the agency and shall appoint the officers of such election, who shall consist of one inspector, one judge, and two clerks, unless in case of consolidated elections, other officers of election are required by law. The voting precincts for any such election may be established and the boundaries thereof fixed and described by such governing body, or such voting precincts may consist of either the regular election precincts or portions thereof within the agency established for holding state or county elections, or a consolidation of any or all of such regular election precincts or portions thereof last established. If any such agency election is consolidated with any state or county election, then the voting precincts, polling places, and election officers for the agency election shall be the same as those established for such state or county election.

This section shall not apply to agency general elections.

SEC 185. Section 2 7 of Chapter 40, Statutes 1962, First Extraordinary Session, is amended to read:

Sec. 2.7. The board of directors of the agency organized under this act shall consist of five members. Each of the five

divisions in the agency, respectively, shall be represented by one director.

The term of office of each director shall be four years or as provided in the Uniform District Election Law.

All vacancies occurring in the office of director shall be filled by appointment by the remaining directors elected and appointed. An appointment to fill a vacancy in the office of director shall be for the unexpired term of the office in which the vacancy exists.

Members of the board of directors shall be elected by the voters of the agency as provided in this act.

Of the five divisional electors first elected from each of the five divisions, directors numbered 2 and 4 shall hold office until their successors are elected at the last agency general election and directors numbered 1, 3 and 5 shall hold office until their successors are elected at the next agency general election succeeding the agency general election at which directors numbered 2 and 4 are elected. The term of office of each director, except those first elected, shall be four years.

The succeeding directors shall be nominated and elected at the agency general election which shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. Such elections shall be conducted in accordance with the provisions of the Uniform District Election Law.

SEC. 186. Section 3 of said act is repealed.

SEC. 187. Section 3.5 of said code is repealed.

SEC. 188. Section 5 of said act is amended to read:

Sec. 5. The provisions of the Uniform District Election Law so far as they may be applicable shall govern all general Crestline-Lake Arrowhead Water Agency elections and the provisions of the Elections Code so far as they may be applicable shall govern all special Crestline-Lake Arrowhead Water Agency elections except as in this act otherwise provided.

SEC. 189. Section 6 of said act is amended to read:

Sec. 6. The board of directors of the Crestline-Lake Arrowhead Water Agency shall call and canvass all elections involving matters of initiative and referendum and shall call all other elections which it is authorized to canvass.

The governing body calling or conducting any election under the provisions of this act shall fix the compensation to be paid the officers of the election and shall designate the precincts and polling places for each division of the agency and shall appoint the officers of such election, who shall consist of one inspector, one judge and two clerks unless in case of consolidated elections, other officers of election are required by law.

The voting precincts for any such election may be established and the boundaries thereof fixed and described by such governing body, or such voting precincts may consist of either the regular election precincts or portions thereof within the agency established for holding state or county elections,

or a consolidation of any or all of such regular election precincts or portions thereof last established. If any Crestline-Lake Arrowhead Water Agency election is consolidated with any state or county election, then the voting precincts, polling places, and election officers for the agency election shall be the same as those established for such state or county election.

This section shall not apply to agency general elections.

SEC. 190. This act shall become operative on January 1, 1967.

CHAPTER 2020

An act to amend Section 817 of the Penal Code, relating to peace officers.

[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 817 of the Penal Code is amended to read:

817. A peace officer is the sheriff, undersheriff, deputy sheriff, coroner, deputy coroner, regularly employed and paid as such of a county, marshal or deputy marshal of a municipal court, constable of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the Deputy Director and the Assistant Director of the State Department of Justice, the Chief, Assistant Chief, special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief and narcotics agents of the Bureau of Narcotic Enforcement, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the San Francisco Port Authority, a supervisor or guard employed by the Department of Corrections, each member of an arson-investigating unit of an organized fire department, the Chief and inspectors of the Bureau of Food and Drug Inspections, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California, investigators of the Board of Chiropractic Examiners of the State of California, and investigators of the Department of Motor Vehicles are respectively peace officers for the purpose only of carrying out the duties of their respective employments. When he is carrying out his duties, a super-

visor or guard employed by the Department of Corrections engaged in transportation of prisoners or apprehension of prisoners who have escaped is a peace officer whether acting within or without this state.

Any qualified person, when deputized or appointed by the proper authority as a deputy sheriff or city policeman for the purpose only of transporting prisoners, is a peace officer while engaged in the transportation of prisoners.

When a sheriff designates any qualified public officer or employee as a deputy sheriff for the purpose of supervising the labor of county prisoners, such person, while acting in the performance of such services, is a peace officer.

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

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

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

When, pursuant to Nevada law, an officer or employee of the Nevada State Prison has in his custody in California a prisoner of the State of Nevada whom he is transporting from the Nevada State Prison or any honor or forest camp in Nevada to another point in Nevada for the purposes of fire-fighting or conservation work, such officer or employee of the Nevada State Prison shall have the power to maintain custody of the prisoner in California and to retake the prisoner if he should escape in California to the same extent as if such officer or employee were a peace officer appointed under California law and the prisoner had been committed to his custody in proceedings under California law.

CHAPTER 2021

An act to amend Section 817 of the Penal Code, relating to 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 817 of the Penal Code is amended to read:

817. A peace officer is the sheriff, undersheriff, deputy sheriff, coroner, deputy coroner, regularly employed and paid as such of a county, marshal or deputy marshal of a municipal

court, constable of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the Deputy Director and the Assistant Director of the State Department of Justice, the Chief, Assistant Chief, special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief and narcotics agents of the Bureau of Narcotic Enforcement, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

The authority of a peace officer extends to any place in the state (a) as to a public offense committed or which there is probable cause to believe has been committed within the political subdivision that employs him or (b) if he has the prior consent of the chief of police or person authorized by him to give such consent if the place is within a city or the sheriff or person authorized by him to give such consent if the place is within a county.

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the San Francisco Port Authority, a supervisor or guard employed by the Department of Corrections, each member of an arson-investigating unit of an organized fire department, the Chief and inspectors of the Bureau of Food and Drug Inspections, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California, investigators of the Board of Chiropractic Examiners of the State of California, and investigators of the Department of Motor Vehicles are respectively peace officers for the purpose only of carrying out the duties of their respective employments. When he is carrying out his duties, a supervisor or guard employed by the Department of Corrections engaged in transportation of prisoners or apprehension of prisoners who have escaped is a peace officer whether acting within or without this state

Any qualified person, when deputized or appointed by the proper authority as a deputy sheriff or city policeman for the purpose only of transporting prisoners, is a peace officer while engaged in the transportation of prisoners.

When a sheriff designates any qualified public officer or employee as a deputy sheriff for the purpose of supervising the labor of county prisoners, such person, while acting in the performance of such services, is a peace officer.

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

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

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

When, pursuant to Nevada law, an officer or employee of the Nevada State Prison has in his custody in California a prisoner of the State of Nevada whom he is transporting from the Nevada State Prison or any honor or forest camp in Nevada to another point in Nevada for the purposes of firefighting or conservation work, such officer or employee of the Nevada State Prison shall have the power to maintain custody of the prisoner in California and to retake the prisoner if he should escape in California to the same extent as if such officer or employee were a peace officer appointed under California law and the prisoner had been committed to his custody in proceedings under California law

---

CHAPTER 2022

An act to amend Section 859a of the Penal Code, relating to pleas in criminal cases.

[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 859a of the Penal Code is amended to read:

859a. If the public offense charged is a felony not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask him whether he pleads guilty or not guilty to the offense charged therein and to a previous conviction or convictions of crime if charged; thereupon, or at any time thereafter, while the charge remains pending before the magistrate and when his counsel is present, the defendant may, with the consent of the magistrate, and the district attorney or other counsel for the people, plead guilty to the offense charged or to any other offense the commission of which is necessarily included in that with which he is charged, or to an attempt to commit the offense charged and to the previous conviction or convictions of crime if charged; and upon such plea of guilty, the magistrate shall immediately commit the defendant to the sheriff and certify the case, including a copy of all proceedings therein and such testimony as in his discretion he may require to be taken, to the superior court, and thereupon such proceedings shall be had as if such defendant had pleaded guilty in such court. The foregoing provisions of

this section shall not be construed to authorize the receiving of a plea of guilty from any defendant not represented by counsel. If the plea was entered in a municipal court and the defendant subsequently files a written motion to withdraw the plea under Section 1018, the motion shall be heard and determined by the court before which the plea was entered.

CHAPTER 2023

An act to amend Section 859a of the Penal Code, relating to bail.

[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 859a of the Penal Code is amended to read:

859a. If the public offense charged is a felony not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask him whether he pleads guilty or not guilty to the offense charged therein and to a previous conviction or convictions of crime if charged; thereupon, or at any time thereafter, while the charge remains pending before the magistrate and when his counsel is present, the defendant may, with the consent of the magistrate and the district attorney or other counsel for the people, plead guilty to the offense charged or to any other offense the commission of which is necessarily included in that with which he is charged, or to an attempt to commit the offense charged and to the previous conviction or convictions of crime if charged; and upon such plea of guilty, the magistrate may then fix a reasonable bail as provided by this code, and upon failure to deposit such bail or surety, shall immediately commit the defendant to the sheriff and certify the case, including a copy of all proceedings therein and such testimony as in his discretion he may require to be taken, to the superior court, and thereupon such proceedings shall be had as if such defendant had pleaded guilty in such court. The foregoing provisions of this section shall not be construed to authorize the receiving of a plea of guilty from any defendant not represented by counsel.

SEC. 2. Section 859a of the Penal Code is amended to read:

859a. If the public offense charged is a felony not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask him whether he pleads guilty or not guilty to the offense charged therein and to a previous conviction or convictions of crime if charged; thereupon, or at any time thereafter, while the charge remains pending before the

magistrate and when his counsel is present, the defendant may, with the consent of the magistrate, and the district attorney or other counsel for the people, plead guilty to the offense charged or to any other offense the commission of which is necessarily included in that with which he is charged, or to an attempt to commit the offense charged and to the previous conviction or convictions of crime if charged; and upon such plea of guilty, the magistrate may then fix a reasonable bail as provided by this code, and upon failure to deposit such bail or surety, shall immediately commit the defendant to the sheriff and certify the case, including a copy of all proceedings therein and such testimony as in his discretion he may require to be taken, to the superior court, and thereupon such proceedings shall be had as if such defendant had pleaded guilty in such court. The foregoing provisions of this section shall not be construed to authorize the receiving of a plea of guilty from any defendant not represented by counsel. If the defendant subsequently files a written motion to withdraw the plea under Section 1018, the motion shall be heard and determined by the court before which the plea was entered.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1860 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1860 takes effect; in which event Section 1 of this act shall not take effect.

CHAPTER 2024

An act to amend Section 12804 of the Vehicle Code, relating to drivers' licenses.

[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 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 expires 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.

CHAPTER 2025

An act to add Section 33416 to, and to amend Sections 33337 and 33435 of, the Health and Safety Code, relating to community 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 33416 is added to the Health and Safety Code, to read:

33416. In order to facilitate the rehousing of families and single persons displaced by any governmental action, 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) from any public or private entity for the purpose of disposing of such property by sale or long-term lease for use as, or development of, housing for such displaced persons. All or any part of the funds derived from the sale or lease of such property may, at the discretion of the legislative body of the community, be paid to the public or private entity from which such property was acquired.

SEC. 2. Section 33337 of said code is amended to read:

33337. Every redevelopment plan shall contain a provision requiring that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in a redevelopment project shall contain the nondiscrimination clauses prescribed in Section 33436.

SEC. 3. 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 contain or be subject to the nondiscrimination or nonsegregation clauses hereafter prescribed.

CHAPTER 2026

An act to amend Section 172e of the Penal 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 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 within premises licensed as a club as defined in Articles 4 and 5 of Chapter 3 of the Alcoholic Beverage Control Act, provided that such club shall have been in existence

for not less than 35 years, have a membership of 750 or more, and serves meals daily to its members, 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. The provisions of this section shall not permit the issuance of licenses to fraternities, sororities, or other student organizations.

SEC. 2. Section 172e of said 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 within premises licensed as a club as defined in Articles 4 and 5 of Chapter 3 of the Alcoholic Beverage Control Act, provided that such club shall have been in existence for not less than 35 years, have a membership of 750 or more, and serves meals daily to its members, 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. The provisions of this section shall not permit the issuance of licenses to fraternities, sororities, or other student organizations.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 1404 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 1404 takes effect; at which time Section 172e of the Penal Code as amended by Section 1 of this act is repealed.

CHAPTER 2027

An act to add Article 34 (commencing with Section 74880) to, and to repeal Article 13.1 (commencing with Section 73830), Article 17.5 (commencing with Section 74010), and Article 34 (commencing with Section 74880) of, Chapter 10 of Title 8 of, the Government Code, relating to municipal 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. Article 13.1 (commencing with Section 73830) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 2. Article 17.5 (commencing with Section 74010) of Chapter 10 of Title 8 of said code is repealed.

SEC. 3. Article 34 (commencing with Section 74880) of Chapter 10 of Title 8 of said code is repealed.

SEC. 4. Article 34 (commencing with Section 74880) is added to Chapter 10 of Title 8 of said code, to read:

Article 34. Ventura County

74880. This article applies only to the municipal courts established in the Moorpark-Camarillo, Oxnard-Port Hueneme and Ventura Judicial Districts in Ventura County.

74881. There shall be one judge in the Moorpark-Camarillo Judicial District. There shall be two judges in the Oxnard-Port Hueneme Judicial District. There shall be one judge in the Ventura Judicial District.

74882. There shall be one municipal court clerk in each district appointed by the judge or presiding judge of the district. The clerk may appoint attachés and employees in the numbers and at the salaries prescribed in this article.

74883. There shall be one marshal in each district, elected by the voters of the district. The marshal of each district may appoint attachés and employees in the numbers and at the salaries prescribed in this article.

74884. (a) The Municipal Court Clerk of the Moorpark-Camarillo Judicial District may appoint:

One supervising municipal court clerk;
One deputy clerk IV;
Three deputy clerks III; and
Five deputy clerks II.

(b) The Municipal Court Clerk of the Oxnard-Port Hueneme Judicial District may appoint:

One supervising municipal court clerk;
Two deputy clerks IV;
Eight deputy clerks III;
Two deputy clerks II; and
Two deputy clerks I.

(c) The Municipal Court Clerk of the Ventura Judicial District may appoint:

One supervising municipal court clerk;
One deputy clerk IV;
Three deputy clerks III;
One deputy clerk II; and
Two deputy clerks I.

74885. (a) The Marshal of the Moorpark-Camarillo Judicial District may appoint:

One marshal's sergeant;
Four deputy marshals;
One senior typist-clerk;
One intermediate typist-clerk; and
One typist-clerk.

(b) The Marshal of the Oxnard-Port Hueneme Judicial District may appoint:

One marshal's sergeant;

Five deputy marshals;

One senior typist-clerk;

Two intermediate typist-clerks; and

One typist-clerk.

(c) The Marshal of the Ventura Judicial District may appoint:

One marshal's sergeant;

Two deputy marshals; and

One senior typist-clerk.

74886. If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, with the approval of the judge in a single-judge district or the presiding judge in a two-judge district and in all cases with the approval of the Ventura County Board of Supervisors, the clerk or the marshal may appoint as many additional attachés or employees as are needed. The additional attachés or employees shall be selected and appointed in the same manner as those for whom express provision is made, and they shall receive salary and compensation as prescribed in this article or as prescribed in the Ventura County Salary Ordinance for classes not expressly provided for in this article. Additional attachés and employees may continue in such positions not longer than 90 days after the adjournment of the 1967 Regular Session of the Legislature. The provisions of this section are directory only and are not mandatory and are not intended to affect the application of Section 72150 of this code.

74887. (a) The class of municipal court clerk shall receive a salary of six hundred forty-two dollars ($642) monthly with annual increments of thirty-one dollars ($31), thirty-four dollars ($34), thirty-four dollars ($34) and thirty-eight dollars ($38) to a maximum of seven hundred seventy-nine dollars ($779) monthly.

(b) The class of supervising municipal court clerk shall receive a salary of four hundred ninety dollars ($490) monthly with annual increments of twenty-five dollars ($25), twenty-five dollars ($25), twenty-seven dollars ($27) and twenty-eight dollars ($28) to a maximum of five hundred ninety-five dollars ($595) monthly.

(c) The class of deputy clerk IV shall receive a salary of four hundred forty-five dollars ($445) monthly with annual increments of twenty-one dollars ($21), twenty-four dollars ($24), twenty-five dollars ($25) and twenty-five dollars ($25) to a maximum of five hundred forty dollars ($540) monthly.

(d) The class of deputy clerk III and the class of senior typist-clerk shall receive a salary of three hundred eighty-four

dollars ($384) monthly with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-two dollars ($22) and twenty-one dollars ($21) to a maximum of four hundred sixty-six dollars ($466) monthly.

(e) The class of deputy clerk II and the class of intermediate typist-clerk shall receive a salary of three hundred thirty dollars ($330) monthly with annual increments of eighteen dollars ($18), eighteen dollars ($18), eighteen dollars ($18) and nineteen dollars ($19) to a maximum of four hundred three dollars ($403) monthly.

(f) The class of deputy clerk I and the class of typist-clerk shall receive a salary of two hundred ninety-eight dollars ($298) monthly with annual increments of seventeen dollars ($17), fifteen dollars ($15), eighteen dollars ($18) and eighteen dollars ($18) to a maximum of three hundred sixty-six dollars ($366) monthly

(g) The class of marshal shall receive a salary of five hundred eighty-one dollars ($581) monthly with annual increments of twenty-nine dollars ($29), thirty-two dollars ($32), thirty-one dollars ($31), and thirty-four dollars ($34) to a maximum of seven hundred seven dollars ($707) monthly.

(h) The class of marshal's sergeant shall receive a salary of five hundred two dollars ($502) monthly with annual increments of twenty-six dollars ($26), twenty-six dollars ($26), twenty-seven dollars ($27), and twenty-nine dollars ($29) to a maximum of six hundred ten dollars ($610) monthly.

(i) The class of deputy marshal shall receive a salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-six dollars ($26), twenty-six dollars ($26), and twenty-seven dollars ($27) to a maximum of five hundred eighty-one dollars ($581) monthly.

74888. All officers, attachés and employees of the municipal courts shall be entitled to anniversary dates and salary step increases in the manner provided in the Ventura County Salary Ordinance and shall receive the same vacation, sick leave, leave of absence, overtime and similar privileges and benefits provided for the officers and employees of Ventura County.

Except as otherwise provided in this article, the provisions of the Ventura County Ordinance Code relating to the civil service system of the county and the rules of the Civil Service Commission adopted pursuant thereto, shall be applicable to all officers, attachés and employees of the municipal courts in the same manner and to the same extent as applicable generally to the officers and employees of Ventura County and the Ventura County Civil Service Commission shall exercise the same jurisdiction over the officers, attachés and employees of the municipal courts as it exercises over the officers and employees of the county.

74889. (a) Certain classifications in the municipal courts and marshal's offices are deemed to be equivalent in position

responsibility and salary level to certain classifications in the service of Ventura County and whenever the salary of a classification in the Ventura County service is adjusted by the board of supervisors, the salary of the equivalent classification in the municipal courts or marshal's offices shall be adjusted a commensurate amount. 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 classifications in the Ventura County service, but such adjustments shall be effective no longer than 90 days after the adjournment of the 1967 Regular Session of the Legislature.

(b) The classes of deputy clerk I and typist-clerk are equivalent in position responsibility and salary level to the class of typist-clerk in the Ventura County service. The classes of deputy clerk II and intermediate typist-clerk are equivalent to intermediate typist-clerk in the Ventura County service. The classes of deputy clerk III and senior typist-clerk are equivalent to senior typist-clerk in the Ventura County service. The class of marshal's sergeant is equivalent in position responsibility and salary level to the class of deputy sheriff in the Ventura County service.

(c) Whenever the salary of the class of deputy clerk II is adjusted as described above, the salaries of the classes of deputy clerk IV, supervising municipal court clerk and municipal court clerk shall be adjusted a proportionate amount. Whenever the salary of the class of marshal's sergeant is adjusted as described above, the salaries of the classes of deputy marshal and marshal shall be adjusted a proportionate amount.

CHAPTER 2028

An act to amend Sections 7305, 8101, and 8352 of, and to add Sections 7313 and, 7314 and 8101.5 to, the Revenue and Taxation Code, to amend Section 5832 of the Public Resources Code and to amend the heading of Article 4 (commencing with Section 21680) of Chapter 4 of Part 1 of Division 9 and Section 21680 of the Public Utilities Code, relating to taxation of motor vehicle fuel and the disposition of the proceeds derived therefrom.

[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 7305 of the Revenue and Taxation Code is amended to read:

7305. "Distribution" includes any of the following:

(a) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this state, and the sale, donation, consignment for sale, barter, or use of the fuel in this state.

(b) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this state from petroleum products owned by another and the delivery of the fuel in this state to the owner thereof or to any person on his order.

(c) The importing of motor vehicle fuel into this state, and the sale, donation, consignment for sale, barter, or use of the fuel in this state unless the state is prohibited by the Constitution or laws of the United States from imposing a tax with respect to such sale, donation, consignment for sale, barter or use; provided, however, that motor vehicle fuel brought into this state in the usual and ordinary fuel supply tank connected to the engine of a motor vehicle shall not be deemed to be "imported" if not removed from such tank except as used for the propulsion of such engine, except to the extent such fuel was acquired tax free for export or a refund of tax was claimed on account of exportation from the state from which such fuel was transported into this state.

(d) The receiving in this state of motor vehicle fuel with respect to which there has been no prior taxable distribution and the sale, donation, consignment for sale, barter, or use of the fuel in this state.

(e) The withdrawal of motor vehicle fuel from storage in this state for the purpose of the sale, donation, consignment for sale, barter or use of the fuel in this state if the consummation of such purpose does not otherwise constitute a distribution taxable under this part, in which event the license tax with respect to the fuel withdrawn from storage is measured by the gallonage thereof thus sold, donated, consigned for sale, bartered or used.

(f) For the purpose of subdivisions (a), (c), (d), and (e) of this section, "consignment for sale" does not include the withdrawal of motor vehicle fuel from storage and the transfer of the fuel into storage at a bulk plant operated by an agent acting in a representative capacity for and on behalf of the distributor for the distribution of such fuel when title to, and control of, the fuel remains in the distributor until it is distributed, and all distributions by such agent are made in the name of, and for the account of, the distributor, notwithstanding that the agent may under the conditions of his agency agreement with the distributor be considered an independent contractor with respect to the operation of the bulk plant.

SEC. 2. Section 7313 is added to the said code, to read:

7313. "Service station" means a place of business where motor vehicle fuel is sold and delivered into the fuel tanks of motor vehicles.

SEC. 3. Section 7314 is added to the said code, to read:

7314. (a) "Bulk plant" means a place of business other than a service station where motor vehicle fuel is stored for purpose of distribution of the fuel in bulk at wholesale lots and not offered for sale at retail to consumers delivered into the fuel tanks of motor vehicles at such place of business.

(b) "Bulk plant" does not include a storage facility from which motor vehicle fuel is supplied to a service station by fuel line or lines connected directly with service station dispensing pumps.

SEC. 4. Section 8101 of the Revenue and Taxation Code is amended to read:

8101. Subject to the provisions of Section 8101.5, the following persons who have paid a license tax for motor vehicle fuel, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of the tax to the price of the fuel, shall be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than in motor vehicles operated or licensed to be operated upon the public highways of the state; provided, however, that the tax shall be repaid to a person who uses the fuel in a motor vehicle operated exclusively off the highway, or in an operation partly off the highway and partly on the highway in a continuous trip when the distance traveled off the highway exceeds one mile, the tax shall be repaid with respect to the gallonage of fuel used in operations off the highway in excess of one mile.

(b) Any person who exports the motor vehicle fuel for use outside of this state. Motor vehicle fuel carried from this state in the fuel tank of a motor vehicle is not deemed to be exported from this state unless the motor vehicle fuel becomes subject to tax as an "import" under the laws of the destination state.

(c) Any person who sells the motor vehicle fuel to the armed forces of the United States for use in ships or aircraft or for use outside this state, under circumstances that would have entitled him to an exemption from the payment of the license tax under Section 7401 had he been the distributor of this fuel.

(d) Any person who buys and uses the motor vehicle fuel in any construction equipment which is exempt from vehicle registration pursuant to the Vehicle Code, while operated within the confines and limits of a construction project.

SEC. 5. Section 8101.5 is added to said code, to read:

8101.5. No refund of any tax shall be granted which is attributable to the distribution of motor vehicle fuel for use or used in propelling a vessel or aircraft in the state, except the following refunds:

(a) Any tax which is attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft operated by a common carrier by air.

(b) Any tax which is attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft engaged in the business of aerial application of dust, spray, fertilizer, seed, or other materials in connection with agricultural activities.

(c) Five cents ($0.05) of the tax upon each gallon attributable to the distribution of motor vehicle fuel for use or used

in propelling any aircraft other than an aircraft referred to in subdivision (a) or (b) of this section.

(d) Any tax which is attributable to the distribution or use of motor vehicle fuel by any distributor as defined in Section 7306 of this code.

The Legislature hereby declares its intent that the motor vehicle fuel upon which the fuel tax is refunded in part shall be subject to the provisions of Section 6357 of this code with respect to collection of sales and use tax thereon to the same extent as if the entire amount of the fuel tax had been refunded.

SEC. 6. Section 8352 of said code is amended to read:

8352. The money in the Motor Vehicle Fuel Fund is hereby appropriated, subject to the provisions of any budget bill heretofore or hereafter enacted and Section 11006 of the Government Code, as follows:

(a) To pay the refunds authorized in this part, including refunds due on account of judgments for the return of license taxes illegally collected.

(b) To the Controller, to carry out any duties imposed upon him by this part.

(c) To the board, to carry out any duties imposed upon it by this part.

(d) To the Highway Users Tax Fund, as provided in this chapter.

(e) To pay the pro rata share of the overhead and general administrative expense of the Controller and the board attributable to duties imposed by this part. The pro rata share is payable upon presentation of a claim against any appropriation from the Motor Vehicle Fuel Fund for the support of the Controller or the board, as the case may be.

(f) For transfer to the Aeronautics Fund, which fund is hereby created, all moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used in propelling an aircraft in the state, for allocation as follows:

(1) To pay the refunds authorized by Section 8101.5

(2) To pay the pro rata cost of the Controller and board under subdivisions (b), (c) and (e).

(3) To pay for the support of the Division of Aeronautics.

(4) For transfer of the balance remaining to the Airport Assistance Revolving Fund.

No part of the moneys in the Motor Vehicle Fuel Fund attributable to the distribution of motor vehicle fuel for use or used for propelling an aircraft in the state shall be appropriated, subject to the provisions of any subdivision heretofore or hereafter enacted and Section 11006 of the Government Code, or allocated, except in accordance with the provisions of this subdivision.

(g) To the Small Craft Harbor Revolving Fund for expenditure in accordance with the provisions of Division 5.7 (commencing at Section 5801) of the Public Resources Code,

the sum of four million dollars ($4,000,000) per annum, commencing with the 1965–1966 fiscal year, this sum representing the amount of money in the Motor Vehicle Fuel Fund attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. Payments pursuant to this subdivision shall be made prior to payments pursuant to subdivision (d).

SEC. 7. Section 5882 of the Public Resources Code is amended to read:

5882. All moneys in the Small Craft Harbor Revolving Fund shall be available, when appropriated by the Legislature, for expenditures by the Department of Parks and Recreation, the Division of Small Craft Harbors, and the Small Craft Harbors Commission for the purposes of this division, and Section 684 of the Harbors and Navigation Code, including refunds, and for expenditure by the Department of Parks and Recreation, Division of Beaches and Parks, for construction of small craft harbor and boating facilities at sites owned or under the control of the state. The Department of Parks and Recreation shall submit such small craft harbor and boating facility projects to the Small Craft Harbors Commission for review and recommendation prior to requesting and appropriation.

Not more than twelve and one-half (12½) percent of the funds appropriated by subdivision (g) of Section 8352 of the Revenue and Taxation Code shall be reapportioned in any year for construction by the Division of Beaches and Parks of small craft harbor and boating facilities at sites owned or under the control of the state.

SEC. 8. The heading of Article 4 (commencing with Section 21680) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code is amended to read:

Article 4. Airport Assistance Revolving Fund

SEC. 9. Section 21680 of said code is amended to read:

21680. The Airport Assistance Revolving Fund is hereby continued in the State Treasury. The moneys in the fund are continuously appropriated for expenditure by the division as provided in this article.

CHAPTER 2029

An act to amend Sections 7305 and 8101 of, and to add Sections 7313 and 7314 to, the Revenue and Taxation Code, relating to the motor vehicle fuel license tax.

[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 7305 of the Revenue and Taxation Code is amended to read:

7305. "Distribution" includes any of the following:

(a) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this state, and the sale, donation, consignment for sale, barter, or use of the fuel in this state.

(b) The refining, manufacturing, producing, blending, or compounding of motor vehicle fuel in this state from petroleum products owned by another and the delivery of the fuel in this state to the owner thereof or to any person on his order.

(c) The importing of motor vehicle fuel into this state, and the sale, donation, consignment for sale, barter, or use of the fuel in this state unless the state is prohibited by the Constitution or laws of the United States from imposing a tax with respect to such sale, donation, consignment for sale, barter or use; provided, however, that motor vehicle fuel brought into this state in the usual and ordinary fuel supply tank connected to the engine of a motor vehicle shall not be deemed to be "imported" if not removed from such tank except as used for the propulsion of such engine, except to the extent such fuel was acquired tax free for export or a refund of tax was claimed on account of exportation from the state from which such fuel was transported into this state.

(d) The receiving in this state of motor vehicle fuel with respect to which there has been no prior taxable distribution and the sale, donation, consignment for sale, barter, or use of the fuel in this state.

(e) The withdrawal of motor vehicle fuel from storage in this state for the purpose of the sale, donation, consignment for sale, barter or use of the fuel in this state if the consummation of such purpose does not otherwise constitute a distribution taxable under this part, in which event the license tax with respect to the fuel withdrawn from storage is measured by the gallonage thereof thus sold, donated, consigned for sale, bartered or used.

(f) For the purpose of subdivisions (a), (c), (d), and (e) of this section, "consignment for sale" does not include the withdrawal of motor vehicle fuel from storage and the transfer of the fuel into storage at a bulk plant operated by an agent acting in a representative capacity for and on behalf of the distributor for the distribution of such fuel when title to, and control of, the fuel remains in the distributor until it is distributed, and all distributions by such agent are made in the name of, and for the account of, the distributor, notwithstanding that the agent may under the conditions of his agency agreement with the distributor be considered an independent contractor with respect to the operation of the bulk plant.

SEC. 2. Section 7313 is added to the said code, to read:

7313. "Service station" means a place of business where motor vehicle fuel is sold and delivered into the fuel tanks of motor vehicles.

SEC. 3. Section 7314 is added to the said code, to read:

7314. (a) "Bulk plant" means a place of business other than a service station where motor vehicle fuel is stored for purpose of distribution of the fuel in bulk at wholesale lots and not offered for sale at retail to consumers delivered into the fuel tanks of motor vehicles at such place of business.

(b) "Bulk plant" does not include a storage facility from which motor vehicle fuel is supplied to a service station by fuel line or lines connected directly with service station dispensing pumps.

SEC. 4. Section 8101 of the Revenue and Taxation Code is amended to read:

8101. The following persons who have paid a license tax for motor vehicle fuel, either directly or to the vendor from whom it was purchased, or indirectly by the adding of the amount of the tax to the price of the fuel, shall be reimbursed and repaid the amount of the tax:

(a) Any person who buys and uses the motor vehicle fuel for purposes other than in motor vehicles operated or licensed to be operated upon the public highways of the state; provided, however, that the tax shall be repaid to a person who uses the fuel in a motor vehicle operated exclusively off the highway, or in an operation partly off the highway and partly on the highway in a continuous trip when the distance traveled off the highway exceeds one mile, the tax shall be repaid with respect to the gallonage of fuel used in operations off the highway in excess of one mile.

(b) Any person who exports the motor vehicle fuel for use outside of this state. Motor vehicle fuel carried from this state in the fuel tank of a motor vehicle is not deemed to be exported from this state unless the motor vehicle fuel becomes subject to tax as an "import" under the laws of the destination state.

(c) Any person who sells the motor vehicle fuel to the armed forces of the United States for use in ships or aircraft or for use outside this state, under circumstances that would have entitled him to an exemption from the payment of the license tax under Section 7401 had he been the distributor of this fuel.

(d) Any person who buys and uses the motor vehicle fuel in any construction equipment which is exempt from vehicle registration pursuant to the Vehicle Code, while operated within the confines and limits of a construction project.

(e) Any consulate officer or consulate employee of a foreign government who is not engaged in any private occupation for gain within the State of California, whose government has entered into a treaty with the United States providing for the exemption of such representative from national, state, and municipal taxes, who uses the motor vehicle fuel in a vehicle registered exempt from fees pursuant to Section 9100 of the Vehicle Code.

CHAPTER 2030

An act to add Division 10.5 (commencing with Section 11901) to the Health and Safety Code, to add Section 4238.5 to, to amend Sections 4234, 4235, and 4239 of, and to repeal Section 4233 of, the Business and Professions Code, relating to dangerous drugs.

[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. Division 10.5 (commencing with Section 11901) is added to the Health and Safety Code, to read:

DIVISION 10.5. RESTRICTED DANGEROUS DRUGS

CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS

11901. "Restricted dangerous drugs," as used in this chapter, means any of the following:

(a) "Hypnotic drug" including acetylluria derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "Amphetamine" including amphetamine, desoxyephedrine, or compounds or mixtures thereof.

11903. "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly by means of an order signed by the prescriber and shall bear the name and address of the prescriber, his license classification, the name and address of patient, name and quantity of drug or drugs prescribed, directions for use and the date of issue.

CHAPTER 2. OFFENSES

11910. Except as otherwise provided in Article 8, (commencing with Section 4210), Chapter 9, Division 2 of the Business and Professions Code, every person who possesses any restricted dangerous drug except upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state shall be punished by a fine of not more than one thousand dollars ($1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

If such person has been previously once convicted of a violation of Section 11910 or of any felony offense described in this division or of a conspiracy to commit any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this state would be punishable

as an offense described in this division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than one year nor more than five years; or he shall be imprisoned in the county jail for not more than one year.

11911. Except as otherwise provided in Article 8 (commencing with Section 4210), Chapter 9, Division 2 of the Business and Professions Code, every person who possesses for sale any restricted dangerous drug shall be punished by imprisonment in the state prison for not less than one year nor more than three years, or by imprisonment in the county jail not exceeding one year.

If such person has been previously once convicted of a violation of Section 11910 or of any felony offense described in this division or of a conspiracy to commit any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this state would be punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison for not less than 2 years nor more than 10 years.

11912. Except as otherwise provided in Article 8 (commencing with Section 4210), Chapter 9, Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, manufactures, compounds, furnishes, administers, or gives away, or offers to transport, import into this state, sell, manufacture, compound, furnish, administer or give away, or attempts to import into this state or transport any restricted dangerous drug except upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state shall be punished by imprisonment in the state prison for not less than one year nor more than five years, or by imprisonment in the county jail not exceeding one year.

If such person has been previously once convicted of a violation of Section 11910 or of any felony offense described in this division or of a conspiracy to commit any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this state would be punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from 2 years to 10 years.

11913. Every person who violates any provision involving restricted dangerous drugs in this chapter by use of a minor as agent, or who solicits, induces, encourages or intimidates any minor with the intent that said minor shall violate any provision of this chapter involving restricted dangerous drugs, or who unlawfully furnishes, offers to furnish or attempts to furnish restricted dangerous drugs to a minor shall be punished by imprisonment in the state prison from one year to five years.

If such person has been previously once convicted of a violation of Section 11910 or of any felony offense described in this division or of a conspiracy to commit any offense described in this division or has been previously convicted once of any offense under the laws of any other state or of the United States, which if committed in this state would be punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information, and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or is admitted by the defendant, he shall be imprisoned in the state prison from 2 years to 10 years.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

11914. As used in this chapter "felony offense" and offense "punishable as a felony" refer to an offense for which the law prescribes imprisonment in the state prison as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

11915. It is unlawful to possess any device, contrivance, instrument or paraphernalia used for unlawfully injecting a restricted dangerous drug.

SEC. 2. Section 4233 of the Business and Professions Code is repealed.

SEC. 3. Section 4234 of said code is amended to read:

4234. Every person who violates any provision of this article with respect to dangerous drugs other than hypnotics or any preparation included in subdivision (c) of Section 4211 by use of a minor as an agent is guilty of a felony.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

SEC. 4. Section 4235 of said code is amended to read:

4235. Every person who violates any provision of this article other than Section 4230 or Section 4227 insofar as such sections relate to hypnotic drugs or any preparation included in subdivision (c) of Section 4211, is guilty of a misdemeanor.

SEC. 5. Section 4238.5 is added to said code, to read:

4238.5. A conviction of the violation of any provision of Chapter 2 (commencing with Section 11910) of Division 10.5 of the Health and Safety Code shall constitute grounds for the suspension or revocation of any certificate, license, permit, registration or exemption issued to such person under any of the provisions of the Business and Professions Code of the State

of California or under the provisions of this article. The proceedings for suspension or revocation shall be conducted in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 6. Section 4239 of said code is amended to read:

4239. The board shall administer and enforce this article and Division 10.5 (commencing with Section 11900) of the Health and Safety Code.

CHAPTER 2031

An act to amend the heading of Article 3 (commencing with Section 24389) of Chapter 3 of Division 20 of, to amend Sections 426.5, 24379, 24386, and 24395 of, to repeal Sections 24389, 24390, 24391, 24392, 24393, 24393.4, 24394, and 24394.3 of, and to add Sections 24386.1, 24390, and 24399 to, the Health and Safety Code, and to amend Sections 4000.1, 9250, 9253, 24007, 26708, 27156, and 40001 of, to repeal Section 27156.5 and Chapter 6 (commencing with Section 28500) of Division 12 of, to add Sections 2814 and 42271.5 to, and to add Chapter 7 (commencing with Section 28500) to Division 12 of, the Vehicle Code, relating to administration and enforcement of laws relating to motor vehicles and motor vehicle equipment, including motor vehicle pollution control devices, and including the raising of revenues therefor, 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 426.5 of the Health and Safety Code is amended to read:

426.5. It shall be the duty of the State Director of Public Health to determine by February 1, 1960, the maximum allowable standards of emissions of exhaust contaminants from motor vehicles which are compatible with the preservation of the public health including the prevention of irritation to the senses, interference with visibility and damage to vegetation.

The standards shall be developed after the department has held public hearings and afforded an opportunity for all interested persons to appear and file statements or be heard. The department shall publish such notice of the hearings as it determines to be reasonably necessary.

The department after notice and hearing may revise the standards, and shall publish the revised standards, from time to time. In revising the standards the department shall, after February 1, 1960, take into account all emissions from motor vehicles rather than exhaust emissions only.

Whenever the department revises the standards it shall submit a copy of such revised standards to the Legislature if the Legislature is in session, or to the Senate Fact Finding Committee on Transportation and Public Utilities and the Assembly Interim Committee on Transportation and Commerce if the Legislature is not in session, and such revised standards shall not become effective until the 31st day after such submission.

SEC. 1.1. Section 24379 of said code is amended to read:

24379. (a) As used in this chapter the following terms shall be construed as defined in the Vehicle Code:

(1) Commercial vehicle
(2) Implement of husbandry
(3) Motor vehicle
(4) Motor-driven cycle
(5) Used vehicle
(6) Passenger vehicle

(b) As used in this chapter, "motor vehicle pollution control device" means equipment designed for installation on a motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the vehicle.

(c) As used in this chapter, "certified device" means a motor vehicle pollution control device for the control of emissions of pollutants from a vehicle, including, but not limited to, the exhaust system, the crankcase, the carburetor, and the fuel tank, for which standards have been set by the state department under Section 426.5 and for which a certificate of approval has been issued by the Motor Vehicle Pollution Control Board. Whenever under this chapter or any other law a motor vehicle is required to be equipped with a certified device, such requirement refers to the certified device for the control of the specified pollutants from the particular source involved.

SEC. 1.2. Section 24386 of said code is amended to read:

24386. The Motor Vehicle Pollution Control Board shall have the powers and authority necessary to carry out the duties imposed on it by this chapter, including, but not limited to, the following:

(1) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing at Section 11370 of the Government Code), necessary for proper execution of the powers and duties granted to, and imposed upon the board by this chapter.

(2) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

(3) To determine and publish the criteria for approval of motor vehicle pollution control devices. In determining the criteria the board shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor

vehicle, is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(4) To issue certificates of approval for any motor vehicle pollution control device where, after being tested by the board or tested and recommended by a laboratory designated by the board as an authorized vehicle pollution control testing laboratory, the board finds that the device operates within the standards set by the state department under Section 426.5 and meets the criteria adopted under subdivision (3) of this section; provided that no certificate of approval shall be issued for any device required by subdivision (e) of Section 24390 of this code if the cost of such device, including installation, is more than sixty-five dollars ($65).

(5) To exempt from Article 3 of this chapter designated classifications of motor vehicles for which certified devices are not available, and motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, and motor-driven cycles, implements of husbandry, and vehicles which qualify for special license plates under Section 5004 of the Vehicle Code.

(6) To revoke, suspend, or restrict a certificate of approval previously issued or an exemption previously granted, upon a determination by the board that the device or motor vehicle no longer operates within the standards set by the state department under Section 426.5 or no longer meets the criteria adopted under subdivision (3) of this section or no longer should be exempted. Provided that once any motor vehicle is equipped with a certified device it shall not thereafter be deemed to be in violation of this chapter or Section 27156 of the Vehicle Code because a certificate of approval for such device is subsequently revoked, suspended, or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction of a certificate of approval is based upon a finding that the certified device has been found to be unsafe in actual use or is otherwise mechanically defective, in which event such motor vehicle must be brought into compliance with this chapter within 30 days after such finding.

(7) Proceedings under this chapter with respect to the denial of applications for the issuance of certificates of approval or the granting of exemptions, or for the revocation, suspension, or restriction of certificates of approval previously issued, or exemptions previously granted, by 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, and the board shall have all the powers granted therein.

SEC. 1.3. Section 24386.1 is added to said code, to read:

24386.1. The Motor Vehicle Pollution Control Board may issue permits for the testing of experimental motor pollution control devices installed in motor vehicles.

SEC. 1.5. The article heading of Article 3 (commencing with Section 24389) of Chapter 3 of Division 20 of said code is amended to read:

Article 3. Certification, Sale, and Installation of Motor Vehicle Pollution Control Devices

SEC. 2. Section 24389 of said code is repealed.

SEC. 3. Section 24390 of said code is repealed.

SEC. 4. Section 24390 is added to said code, to read:

24390. (a) Every 1966 or later year model motor vehicle subject to registration in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

(b) On and after December 1, 1965, every motor vehicle of 1963 or later year model subject to registration in this state shall be equipped with a certified device to control the emission of pollutants from the crankcase.

(c) Every motor vehicle of 1955 through 1962 year model subject to registration in this state upon transfer of ownership and registration to an owner whose residence is in a county or portion of a county within an air pollution control district which may function and exercise its powers shall be equipped with a certified device to control the emission of pollutants from the crankcase.

(d) Every motor vehicle of 1955 through 1965 year model subject to registration in this state upon transfer of ownership and registration to an owner whose residence is in a county or portion of a county within an air pollution control district which may function and exercise its powers, shall be equipped with a certified device to control the emission of pollutants from the exhaust.

(e) The provisions of subdivisions (a), (b), (c), and (d) of this section shall not be applicable to any of the following:

(1) Any motor vehicle or class of motor vehicles exempted by the Motor Vehicle Pollution Control Board.

(2) Any motor-driven cycle, implement of husbandry or vehicle which qualifies for special plates under Section 5004 of the Vehicle Code.

(f) The provisions of subdivisions (c) and (d) shall not be applicable in air pollution control districts formed between January 1, 1964, and the effective date of the amendment of this section at the 1965 Regular Session of the Legislature.

(g) On and after December 1, 1967, every 1968 or later year model passenger vehicle, except motorcycles, subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust. Notwithstanding

any other provision of this section or Section 24386, the Motor Vehicle Pollution Control Board may only grant an exemption for not to exceed 1 percent of a manufacturer's passenger vehicle sales in California in the preceding model year.

(h) On and after December 1, 1966, every 1967 or later year model commercial motor vehicle under 5,001 pounds unladen, subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

(i) On and after December 1, 1968, every 1969 or later year model truck, truck-tractor, or bus, except those which are diesel-powered, subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust Notwithstanding any other provision of this section or Section 24386, the Motor Vehicle Pollution Control Board may only grant an exemption for not to exceed 1 percent of a manufacturer's truck, truck-tractor and bus sales in California in the preceding model year

(j) Motor vehicles found by the board to meet established state standards and board criteria without additional equipment are exempt from the provisions of this section.

(k) The provisions of subdivisions (c) and (d) of this section shall not be applicable to motor vehicles registered to an owner whose residence is in any county in which an air pollution control district may function and exercise its powers if (1) prior to the effective date of this section, the board of supervisors of the county has, pursuant to Section 24394, found that the equipment of motor vehicles with devices to control the emission of pollutants is unnecessary for the preservation of air quality in that county, and (2) no air pollution control district created pursuant to Chapter 2 (commencing with Section 24198) of Division 20 has ever been authorized to function and exercise its powers in any county adjacent to such county; nor shall such provisions be applicable to motor vehicles registered to an owner whose residence is in any county adjacent to such a county, which adjacent county is included within the boundaries of an air pollution control district created by special law to include the area of two or more counties, and in which county such air pollution control district created by special law may transact business and exercise its powers.

(*l*) The provisions of subdivisions (c) and (d) of this section shall not be applicable to motor vehicles registered to an owner whose residence is in an area, designated pursuant to this subdivision, of any county having an area in excess of 7,000 square miles in which an air pollution control district consisting of a single county may function and exercise its powers and within 60 days after the effective date of this section the board of supervisors of such county has classified the county into two areas because of substantial geographic and

climatic differences between the two areas, and within 60 days after the effective date of this section the board of supervisors of the county has found that within one of such areas, designated by the board, the equipment of motor vehicles with devices to control the emission of pollutants is unnecessary for the preservation of air quality within that area.

SEC. 5. Section 24391 of said code is repealed.

SEC. 6. Section 24392 of said code is repealed.

SEC. 7. Section 24393 of said code is repealed.

SEC. 7.5. Section 24393.4 of said code is repealed.

SEC. 8. Section 24394 of said code is repealed.

SEC. 9. Section 24394.3 of said code is repealed.

SEC. 9.5. Section 24395 of said code is amended to read:

24395. No person shall sell, display, advertise, or represent as a certified device any device which, in fact, is not a certified device. No person shall install or sell for installation upon any motor vehicle any motor vehicle pollution control device which has not been certified by the Motor Vehicle Pollution Control Board.

SEC. 9.7. Section 24399 is added to said code, to read:

24399. All devices tested for purposes of certification shall be tested by a procedure which includes tests of the device to measure its ability to control the emission of pollutants while a vehicle is operating at full performance.

SEC. 10. Section 2814 is added to the Vehicle Code, to read:

2814. Every driver of a passenger vehicle shall stop and submit the vehicle to an inspection of the mechanical condition and equipment of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of passenger vehicles and when signs are displayed requiring such stop.

The Commissioner of the California Highway Patrol may make and enforce regulations with respect to the issuance of stickers or other devices to be displayed upon passenger vehicles as evidence that the vehicles have been inspected and have been found to be in safe mechanical condition and equipped as required by this code and equipped with certified motor vehicle pollution control devices as required by Section 24390 of the Health and Safety Code which are correctly installed and in operating condition. Any sticker so issued shall be placed on the windshield within a five-inch square in the extreme lower left corner thereof with respect to the driver's position.

If, upon such an inspection of a passenger vehicle, it is found to be in unsafe mechanical condition or not equipped as required by this code and the provisions of Section 24390 of the Health and Safety Code, the provisions of Article 2 (commencing with Section 40150) of Chapter 1 of Division 17 of this code shall apply.

SEC. 10.5. Section 4000.1 of said code is amended to read:

4000.1. (a) On and after December 1, 1965, the department shall require upon transfer of ownership and registration of any motor vehicle subject to Section 24390 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 3 (commencing with Section 24378) of Division 20 of said code.

(b) The Motor Vehicle Pollution Control Board established under Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code may exempt designated classifications of motor vehicles from the provisions of subdivision (a) as they deem necessary, and shall notify the department of such action; provided, however, that no exemption shall be granted to those vehicles subject to the provisions of subdivision (g) or (i) of Section 24390 of the Health and Safety Code, except as provided therein.

SEC. 10.6. Section 9250 of said code is amended to read:

9250. A registration fee of eight dollars ($8) shall be paid to the department for the registration of every vehicle of a type subject to registration, except as are expressly exempted under this code from the payment of registration fees, and except those referred to in Section 9253.

During the 1966 calendar year, the registration fee imposed by this section shall be nine dollars ($9) for each such vehicle; during the 1967 calendar year, the registration fee imposed by the section shall be ten dollars ($10) for each such vehicle; and commencing with the 1968 calendar year and each calendar year thereafter, the registration fee imposed by this section shall be eleven dollars ($11) for each such vehicle.

SEC. 10.7. Section 9253 of said code is amended to read:

9253. A registration fee of nine dollars ($9) shall be paid to the department for the registration of every station wagon, which is subject to registration.

During the 1966 calendar year, the registration fee imposed by this section shall be ten dollars ($10) for each such vehicle; during the 1967 calendar year, the registration fee imposed by this section shall be eleven dollars ($11) for each such vehicle; and commencing with the 1968 calendar year and each calendar year thereafter, the registration fee imposed by this section shall be twelve dollars ($12) for each such vehicle.

SEC. 11. Section 24007 of said code is amended to read:

24007. (a) No dealer shall sell a new or used motor vehicle without first testing and, if necessary, adjusting the lights and brakes on the vehicle to conform with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is sold for the purpose of being wrecked or dismantled.

(b) No dealer shall sell a new or used motor vehicle subject to the provisions of Section 24390 of the Health and Safety Code which is not in compliance with the provisions of Chapter 3 (commencing with Section 24378) of Division 20 of said code and the rules and regulations of the Motor Vehicle Pollution Control Board, unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled. The dealer shall transmit to the department a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 3 (commencing with Section 24378) of Division 20 of said code.

SEC. 12. Section 26708 of said code is amended to read:

26708. (a) No person shall drive any motor vehicle with any sign, poster, card, sticker, or other nontransparent material upon the front windshield, side wings, side or rear windows of the vehicle, except that signs, posters, cards, stickers, or other materials may be placed on the windshield within a seven-inch square in the lower corner farthest removed from the driver's position or upon the side windows of the vehicle to the rear of the driver and so placed that the materials will not obstruct the driver's clear view of approaching traffic, and except as provided for by Section 2814 of this code.

(b) No person shall drive any motor vehicle upon a highway with any object or material so placed in or upon the vehicle as to obstruct or reduce the driver's clear view through the windshield, except required or permitted equipment of the vehicle and adjustable nontransparent sun visors which are not attached to the glass.

(c) This section does not apply to direction, destination, or termini signs upon a passenger common carrier motor vehicle.

SEC. 13. Section 27156 of said code is amended to read:

27156. No person shall operate or leave standing upon any highway any motor vehicle which is required to be equipped with a certified motor vehicle pollution control device under Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code unless the motor vehicle is equipped with a certified motor vehicle pollution control device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such device in a manner which will decrease its efficiency or effectiveness in the control of air pollution.

SEC. 13.5. Section 27156.5 of said code is repealed.

SEC. 14. Chapter 6 (commencing with Section 28500) of Division 12 of said code is repealed.

SEC. 15. Chapter 7 (commencing with Section 28500) is added to Division 12 of said code, to read:

CHAPTER 7. MOTOR VEHICLE POLLUTION CONTROL DEVICE INSTALLATION AND INSPECTION STATIONS

28500. As used in this chapter:

(a) "Motor vehicle pollution control device" and "certified device" shall be construed as defined in Section 24379 of the Health and Safety Code.

(b) "Station" means a motor vehicle pollution control device installation and inspection station.

(c) "Licensed station" means a station licensed by the department pursuant to this chapter.

(d) "Licensed installer" means a person licensed by the department for installing, repairing, inspecting, or recharging motor vehicle pollution control devices in licensed stations.

28501. No person shall operate a station unless a license therefor has first been issued by the department.

28502. (a) The department shall license stations and shall designate, furnish instructions to, develop regulations for, and supervise licensed stations for installing, repairing, inspecting, or recharging motor vehicle pollution control devices in conformity with the provisions of Chapter 3 (commencing with Section 24378) of Chapter 20 of the Health and Safety Code and the rules and regulations of the department. The department shall establish standards for the qualifications, including training, of licensed installers as a condition to designating and licensing the station as a licensed station.

An owner of a fleet of three or more vehicles may be licensed by the department as a licensed station, provided such owner complies with the regulations of the department.

(b) The department shall license, furnish instruction to, develop regulations for, and supervise licensed installers as a condition for installing, repairing, inspecting, or recharging motor vehicle pollution control devices in licensed stations.

28503. The department may refuse to issue a license to an applicant who has made application for a station or an installer license when it determines:

(a) The applicant was previously the holder of a license issued under this chapter, which license was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled; or

(b) The information contained in the application is incorrect.

28504. (a) The department after notice and hearing may suspend, revoke, or refuse to renew the license issued to a licensed station upon determining that the licensee is not lawfully entitled thereto, has used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application for such license, has violated one or more of the regulations developed by the department under this chapter, or has failed to properly perform the business of a licensed station.

(b) The department after notice and hearing may suspend, revoke, or refuse to renew the license issued to a licensed installer upon determining that the licensee is not lawfully entitled thereto, has used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application for such license, has violated one or more of the regulations developed by the department under this chapter, or has failed to properly carry out the duties of a licensed installer.

(c) The department shall not reinstate a revoked license within less than one year from the date of revocation.

28505. Every hearing 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.

28506. Any person may install a motor vehicle pollution control device, but no such device shall be deemed to meet the requirements of this code or of Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code and the rules and regulations of the Motor Vehicle Pollution Control Board unless it has been inspected by a licensed installer in a licensed station and a certificate of compliance has been issued by such licensed station.

28508. Whenever a licensed installer in a licensed station, in conformity with the instructions of the department, installs, inspects, repairs, or recharges a motor vehicle pollution control device, and determines that the device conforms with the requirements of Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code, and the rules and regulations of the Motor Vehicle Pollution Control Board, a certificate of compliance shall be issued to the owner or driver of the vehicle. The department, for a fee of ten cents ($0.10), shall furnish to the licensed station the certificate of compliance to be issued.

The certificate of compliance shall contain provisions for 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; and if the device involved was approved by the Motor Vehicle Pollution Control Board by the issuance of a certificate of approval requiring the obtaining of an annual certificate of compliance, as authorized by Section 24386.2 of the Health and Safety Code, a statement that the certificate of compliance shall be valid only through the last day of the 12th month from the date of issuance.

The certificate of compliance shall be signed by a licensed installer who has installed, inspected, repaired, or recharged the motor vehicle pollution control device.

28509. The following fees shall be paid to the department for a motor vehicle pollution control device installation and inspection station license:

(a) For the original application for a license..... $10.00

(b) For the annual renewal of the license..... $5.00

28510. (a) Every license issued pursuant to this chapter shall expire at midnight on the 31st day of December of each year and a new license may be obtained by the person to whom any such license was issued as provided in subdivision (b).

(b) Every application for the renewal of a license shall be made by the person to whom issued between November 1st and midnight of November 30th preceding the expiration date and shall be made by presenting the application form provided by the department and payment of the full annual renewal fee for such license.

28511. It is unlawful for any person, other than a licensed station, to issue a certificate of compliance required by this chapter.

SEC. 16. Section 40001 of said code is amended to read:

40001. (a) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to cause the operation of the vehicle upon a highway in any manner contrary to law.

(b) It is unlawful for an owner knowingly to permit the operation of any vehicle:

(1) Which is not registered or for which any fee has not been paid under this code.

(2) Which is not equipped as required in this code.

(3) Which does not comply with the size, weight, or load provisions of this code.

(4) Which does not comply with the regulations promulgated pursuant to this code.

(5) Which is not in compliance with the provisions of Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code and the rules and regulations of the Motor Vehicle Pollution Control Board.

SEC. 16.5. Section 42271.5 is added to said code, to read:

42271.5. The Legislature hereby declares its intent that revenue received from additional fees imposed pursuant to Sections 9250 and 9253 of this code by the 1965 act amending these sections shall be appropriated for the purpose of doubling the uniformed strength of the California Highway Patrol by December 31, 1968.

In so doing the Legislature declares its desire to increase the number of onview Highway Patrol enforcement units as a greater deterrent to potential law violators, and to place additional emphasis on proper maintenance of vehicles, thus resulting in a balanced traffic safety program which deals with driver, vehicle and use of the highway system.

SEC. 17. Notwithstanding the provisions of Section 24396 of the Health and Safety Code and Section 40000 of the Vehicle Code, and notwithstanding the repeal of Section 24393.4 of the Health and Safety Code and Section 27156.5 of the Vehicle Code by this act, the failure, prior to the effective date of this act, of any person to have a certified motor vehicle pollution control device for the control of emission of pollutants from the crankcase installed upon a used passenger vehicle, as re-

quired by Section 24393 of the Health and Safety Code as it read prior to the effective date of this act, shall not constitute a crime; and no prosecution of such person for a violation of Section 24393 of the Health and Safety Code or Section 27156 of the Vehicle Code on account of such failure occurring prior to the effective date of this act shall be commenced or continued.

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:

Under existing legislation, owners of used passenger vehicles in a number of counties in the state are required, commencing in January of this year, to have motor vehicle pollution control devices for the control of emissions of pollutants from the crankcase installed on their vehicles. This requirement has caused great concern and confusion throughout the state. This act is designed to clarify and strengthen the law with respect to motor vehicle pollution control. In order that these changes can operate immediately so as to enable the state agencies involved to take the necessary steps to effectuate these changes, it is essential that this act go into immediate effect.

CHAPTER 2032

An act to amend Section 40001 of 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 40001 of the Vehicle Code is amended to read:

40001. (a) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to cause the operation of the vehicle upon a highway in any manner contrary to law.

(b) It is unlawful for an owner to request, cause, or permit the operation of any vehicle:

(1) Which is not registered or for which any fee has not been paid under this code.

(2) Which is not equipped as required in this code.

(3) Which does not comply with the size, weight, or load provisions of this code.

(4) Which does not comply with the regulations promulgated pursuant to this code, or with applicable city or county ordinances adopted pursuant to this code.

(5) Which is not in compliance with the provisions of Chapter 3 (commencing with Section 24378) of Division 20 of the Health and Safety Code and the rules and regulations of the Motor Vehicle Pollution Control Board.

Whenever the owner or lessee is prosecuted for a violation pursuant to the provisions of this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance or operation of the vehicle, a codefendant.

In the event such codefendant is held solely responsible and found guilty, the court may dismiss the charge against the owner or lessee.

CHAPTER 2033

An act to amend Section 24007 of the Vehicle Code, relating to the sale of 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 24007 of the Vehicle Code is amended to read:

24007. (a) No dealer shall sell a new or used motor vehicle which is not in compliance with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled.

(b) No dealer shall sell a new or used motor vehicle subject to the provisions of Section 24390 of the Health and Safety Code which is not in compliance with the provisions of Chapter 3 (commencing with Section 24378) of Division 20 of said code and the rules and regulations of the Motor Vehicle Pollution Control Board, unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled. The dealer shall, with each application for registration, or transfer of registration, transmit to the Department of Motor Vehicles a valid certificate of compliance as required under the provisions of Section 4000.1 of this code from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 3 (commencing with Section 24378) of Division 20 of said code.

CHAPTER 2034

An act to amend Section 1203.03 of the Penal Code, relating to diagnostic facilities in the Department of Corrections.

[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 1203.03 of the Penal Code is amended to read:

1203.03. (a) In any case in which a defendant is convicted of an offense punishable by imprisonment in the state prison, the court, if it concludes that a just disposition of the case requires such diagnosis and treatment services as can be provided at a diagnostic facility of the Department of Corrections, may order that defendant be placed temporarily in such facility for a period not to exceed 90 days, with the further provision in such order that the Director of the Department of Corrections report to the court his diagnosis and recommendations concerning the defendant within the 90-day period.

(b) The Director of the Department of Corrections shall, within the 90 days, cause defendant to be observed and examined and shall forward to the court his diagnosis and recommendation concerning the disposition of defendant's case. Such diagnosis and recommendation shall be embodied in a written report and copies of the report shall be served only upon the defendant or his counsel, the probation officer, and the prosecuting attorney by the court receiving such report. After delivery of the copies of the report, the information contained therein shall not be disclosed to anyone else without the consent of the defendant. After disposition of the case, all copies of the report, except the one delivered to the defendant or his counsel, shall be filed in a sealed file and shall be available thereafter only to the defendant or his counsel, the prosecuting attorney, the court, or the Department of Corrections.

(c) The Department of Corrections shall accept such person if it has adequate staff and facilities to provide such services. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the director has notified the referring court of the place to which said person is to be transported and at the time at which he can be received.

(d) The sheriff of the county in which an order is made placing a defendant in a diagnostic facility pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such defendant in the center or returning him therefrom to the court. The expense of such sheriff or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

(e) It is the intention of the Legislature that the diagnostic facilities made available to the counties by this section shall only be used for the purposes designated and not in lieu of sentences to local facilities.

(f) Time spent by a defendant in confinement in a diagnostic facility of the Department of Corrections pursuant to this section shall be credited on the term of imprisonment in state prison, if any, to which defendant is sentenced in the case.

(g) In any case in which a defendant has been placed in a diagnostic facility pursuant to this section and, in the course of his confinement, he is determined to be suffering from a remediable condition relevant to his criminal conduct, the department may, with the permission of defendant, administer treatment for such condition. If such treatment will require a longer period of confinement than the period for which defendant was placed in the diagnostic facility, the Director of Corrections may file with the court which placed defendant in the facility a petition for extension of the period of confinement, to which shall be attached a writing signed by defendant giving his consent to the extension. If the court finds the petition and consent in order, it may order the extension, and transmit a copy of the order to the Director of Corrections.

CHAPTER 2035

An act to amend Section 28114 of the Government Code, relating to county officers.

[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 28114 of the Government Code is amended to read:

28114. In a county of the 14th 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 dollars ($13,000) a year.

(b) The district attorney, twenty-three thousand dollars ($23,000) a year. He shall not engage in the private practice of law.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year and actual and necessary expenses, including expenses for meals, incurred in the performance of the duties of his office. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid the sum of ten cents ($0.10) per mile to reimburse him for the use of said automobile. The chairman of the board of supervisors shall receive, as addi-

tional compensation, two thousand one hundred dollars ($2,100) a year for services rendered as chairman.

(d) For attendance in the superior court each trial juror shall be allowed five dollars ($5) for each days' attendance, and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled in attending upon and returning from court, mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

Each member of the grand jury shall be allowed five dollars ($5) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled in attendance upon and returning from meetings to the grand jury, or any session of the grand jury committee, duly called by the secretary, or committee chairman.

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

CHAPTER 2036

An act to add Section 70141.9 to the Government Code, relating to the salaries of court commissioners.

[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 70141.9 is added to the Government Code, to read:

70141.9. In any county with population exceeding 306,000 and not exceeding 365,000 as determined by the 1960 federal census, the superior court may provide that the commissioner, in addition to the duty prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive a monthly salary as follows: for the first six full calendar months, one thousand three hundred eighty dollars ($1,380); for the first year thereafter, one thousand four hundred fifty-eight dollars ($1,458); for the next year, one thousand five hundred forty dollars ($1,540); for the next year one thousand six hundred twenty-seven dollars ($1,627); and thereafter, one thousand seven hundred nineteen dollars ($1,719).

CHAPTER 2037

An act to add Chapter 9 (commencing with Section 9181) to Division 7 of the Education Code, relating to regional data processing centers.

[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 9181) is added to Division 7 of the Education Code, to read:

CHAPTER 9. REGIONAL EDUCATIONAL DATA PROCESSING CENTERS

9181. The governing board of a school district and a county superintendent of schools may establish and maintain educational data processing centers. Such centers that meet the requirements of Section 9185 for eligible regional educational data processing centers are entitled to financial assistance from the state for the purpose of such centers as provided herein.

9182. A regional educational data processing center may consist of any of the following:

(a) One educational data processing center maintained by the governing board of any school district having an average daily attendance of 100,000 or more pupils.

(b) One educational data processing center maintained by the county superintendent of schools that provides data processing services to two or more school districts, within or without the county, having a combined average daily attendance of not less than 100,000 nor more than 300,000 pupils.

9183. The governing board of any school district may contract with any county superintendent of schools for the rendering to the schools of the district of data processing services and may pay for the services out of any funds of the district.

9184. The functions of regional educational data processing centers shall include the processing and reporting of information relating, among other things, to programs of instruction, school business administration, and pupil personnel data.

9185. An eligible regional educational data processing center is one that meets the following requirements:

(a) It possesses equipment, personnel and funds sufficient, as determined by regulations of the State Board of Education, to convert and correlate basic source material into data processing form by use of a basic data system.

(b) It is a regional educational data processing center as defined in Section 9182.

(c) It meets the minimum standards established by the State Board of Education.

9186. The State Board of Education shall adopt rules and regulations necessary to implement the provisions of this chapter, including rules and regulations that:

(a) Establish minimum standards entitling regional educational data processing centers to receive an allowance under this chapter.

(b) Prescribe the procedure by which applications for allowance pursuant to this chapter shall be governed.

9187. The Superintendent of Public Instruction, upon proper application therefor made by a school district or county superintendent of schools maintaining an eligible regional educational data processing center, shall allow to the applicant the amount specified in this section appropriate to the fiscal year for which the application is made.

(a) The amount of an allowance for which application may be made shall not exceed $30,000 for the first, $20,000 for the second, and $10,000 for the third, fiscal year for which an allowance is sought.

(b) An allowance shall be made for each of any three fiscal years for which a proper application is made by a school district or county superintendent of schools maintaining an eligible regional educational data processing center.

(c) A school district or county superintendent of schools shall not receive more than one allowance in any fiscal year nor more than three such allowances altogether.

(d) A new application shall precede such allowance.

9188. The Superintendent of Public Instruction shall make the allowances to school districts and county superintendents of schools pursuant to Section 9187 from any funds which may be provided for such purposes under any program established by or under authority of federal law.

CHAPTER 2038

An act to add Section 9357.45 to the Government Code, relating to legislators' 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 9357.45 is added to the Government Code, to read:

9357.45. Notwithstanding any other provisions of this chapter, a person who was a member and entitled to be credited with 10 or more years of service as a Member of the Senate or Assembly and who withdrew his accumulated contributions prior to October 1, 1961, and after discontinuance of service, may, at any time before December 31, 1965, redeposit in the fund in one sum an amount equal to the accumulated contribu-

tions withdrawn plus the interest which would have been credited to such accumulated contributions had they not been withdrawn, using the rate of interest in effect at the time of redeposit.

Upon such redeposit the person shall become a member with the rights provided under this chapter to a member who elected under Section 9355.2 to allow his contributions to remain in the fund.

CHAPTER 2039

An act to add Part 8 (commencing with Section 90000) to Division 10 of the Public Utilities Code, relating to transportation in the County of San Diego.

[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. Part 8 (commencing with Section 90000) is added to Division 10 of the Public Utilities Code, to read:

PART 8. SAN DIEGO COUNTY TRANSIT DISTRICT

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definitions

90000. This part shall be known and cited as the "San Diego County Transit District Act of 1965."

90001. Unless the context otherwise requires, the provisions of this article govern the construction of this part.

90002. "District" means the San Diego County Transit District.

90003. "Board" means the board of directors of the district.

90004. "Voter" means any elector who is registered under the Elections Code.

90005. "Transit" means the transportation of passengers only and their incidental baggage by means other than by chartered bus, sightseeing bus, or any other motor vehicle not on an individual passenger fare-paying basis. Nothing in this section shall be construed to prohibit the district from leasing its buses to public agencies or to private certified public carriers or to prohibit the district from providing schoolbus service for the transportation of pupils between their homes and schools.

90006. "Transit works" or "transit facilities" means all real and personal property, equipment, rights, or interests owned or to be acquired by the district for transit service.

Article 2. General Provisions

90020. It is hereby declared to be the policy of the State of California to develop transit system districts in the various metropolitan areas within the state for the benefit of the people. A necessity exists within San Diego County for such a system. Because there is no general law under which this district could perform this distinct function, only a specially created district can operate effectively in the San Diego metropolitan area. Because of the unique problem presented by that metropolitan area, the adoption of a special act and the creation of a special district is required.

90021. The San Diego County Transit District may be created as provided in this part and when so created may exercise the powers herein granted.

90022. Except as otherwise provided in this part, elections shall be held and conducted and the result ascertained, determined, and declared in all respects as nearly as practicable in conformity with the general elections laws of the state.

90023. Except as otherwise provided in this part, all ordinances and notices which are required to be published shall be published within the district pursuant to Section 6066 of the Government Code.

90024. Whenever the signature of any officer or employee of a district or of any member of the retirement board or of any officer or employee of the retirement system is authorized or required under the provisions of this part, except in the single instance provided in Section 90623, the signature may be made by the use of a plate bearing facsimiles of such signatures.

Chapter 2. Formation of District

Article 1. General Provisions

90050. The area to be embraced in the district shall include all of the corporate area of each of the Cities of San Diego, Chula Vista, Coronado, National City, La Mesa, El Cajon, and Imperial Beach which establish the district as provided in this act, and any unincorporated territory in the County of San Diego contiguous thereto and being served by the San Diego Transit System, which is included in the district by the board of supervisors of the county as provided in this part.

This area shall be subdivided for the purpose of formation into three sections comprising (1) the City of San Diego, (2) the Cities of Coronado, Imperial Beach, Chula Vista, and National City, (3) the Cities of El Cajon and La Mesa and any unincorporated territories in the County of San Diego contiguous thereto and being served by the San Diego Transit System which is included in the district by the board of supervisors of the county as provided in this part.

Article 2. Election

90070. The Board of Supervisors of San Diego County shall call an election in the area to be included within the district on the question of the formation of the district if either of the two conditions specified below is met on or prior to June 30, 1967:

(a) A petition calling for the formation of the district is filed with the board of supervisors from each of the seven cities specified in Section 90050. Each of the petitions from the seven respective cities shall be signed by a number of signers equal to at least five percent (5%) of the voters registered for the last municipal election in each particular city. A petition may be on separate papers, but each paper shall contain the affidavit of the person who circulated it, certifying that each name signed thereto is a true signature of the person whose name it purports to be.

(b) A resolution of consent calling for the formation of the district is filed with the board of supervisors from each of the city councils of the seven cities specified in Section 90050, provided, that the requirements of this section shall be deemed to have been met if a combination of petitions and resolutions of consent have been filed with the board of supervisors, so long as each of the seven cities specified in Section 90050, either through a petition or by a vote of the city council, has authorized the calling of an election for the formation of the district.

90071. Each signer of a petition within a particular city shall be a registered voter and resident of that city.

90072. Upon receipt of the resolutions or petitions, or sufficient combination of both, the board of supervisors shall call a hearing thereon not less than 70 days nor more than 90 days following the receipt of all of the required resolutions or petitions, or both. The board of supervisors shall publish notice of said hearing in any newspaper of general circulation published within the proposed district in accordance with Section 6066 of the Government Code. The notice shall state the name and nature of the proposed district, that all petitions and resolutions may be inspected at the office of the clerk of said board of supervisors, that the proposed district shall include the seven cities specified in Section 90050, the boundaries of any unincorporated territory proposed for inclusion, the time and place for the hearing, and that all interested persons shall be given an opportunity to express their views.

90073 The board of supervisors shall have the power to exclude areas which, in the board's determination, would not receive reasonable benefit from inclusion in the district, except that no portion of a city included in the proposed district may be excluded, and the proposed district shall not include noncontiguous cities separated by more than two miles.

90074. At the conclusion of the hearing, the board of supervisors shall call the election on the question of the formation

of the district, which election shall be consolidated with the next succeeding primary or general election following the conclusion of the hearing

90075. The election shall be called, noticed, held, and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, oaths of office administered, and all other proceedings incidental to and connected with the election shall be regulated and done, as nearly as may be practicable, in accordance with the provisions of law regulating municipal elections in general law cities.

For the purposes of the election, the terms "board of trustees" and "city clerk," respectively, as used in the Elections Code provisions respecting the conduct of elections in general law cities, shall mean the county board of supervisors and the registrar of voters, respectively, for the purpose of the election held under this act.

An election called pursuant to the provisions of this act may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code.

90076. The count of the votes of the election shall be conducted in three parts (see 90050). One part shall consist of the votes cast in the City of San Diego. The second part shall consist of the votes cast in the Cities of Coronado, Imperial Beach, Chula Vista, and National City; and the third part shall consist of the votes cast in the Cities of El Cajon and La Mesa and outside territory included by the county board of supervisors, if any, at the time of election.

90077. If the electors in the City of San Diego and the electors of one or both of the other two sections specified in 90050 approve of the formation of the district at an election held pursuant to the provisions of this part, the district shall be established.

90078. If from the canvass it appears and the board of supervisors finds that a majority of the votes cast in the City of San Diego and a majority of the votes cast in either one or both of the remaining sections as is specified in 90050 were cast in favor of the formation of the district, it shall enter that fact upon its minutes together with a description of the boundaries of the district, its name and the official name or names by which the district is commonly known and enter its order declaring the district duly formed and existing in the county

Article 3. Establishment of the District

90100. If a majority of the electors voting on the proposition in the City of San Diego and a majority of the electors in either one or both of the remaining sections as is specified in 90050 vote in favor of the creation and establishment of the district, the board of supervisors shall cause a certified copy of the order declaring the result of the election to be filed in

the office of the Secretary of State, from and after which the establishment of the district shall be deemed complete in those sections in which the vote favored the creation and establishment of the district. Any section in which the vote did not favor the creation and establishment of the district shall not be included within the district.

Article 4. Contest of Incorporation

90120. No informality in any proceeding or in the conduct of the election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of the district. Any proceedings wherein the validity of incorporation is denied shall be commenced within three months from the date of filing the order declaring the result of the election with the Secretary of State, otherwise the incorporation and the legal existence of the district shall be held to be valid and in every respect legal and incontestable.

Chapter 3. Internal Organization of District

Article 1. Government

90170. The government of the district shall be vested in a board of directors elected concurrent with the district's formation. The City of San Diego shall elect at large, a number of directors exceeding by one the total number of directors to be elected in both the remaining sections as specified in 90050. The City of San Diego, regardless of whether one or both, as the case may be, of the remaining sections specified in 90050, elect to become a part of the district, shall be entitled to a number of directors always exceeding by one the total number of directors seated from the remaining section or sections as specified in 90050 Each of the incorporated cities within the two remaining sections as specified in 90050 and the unincorporated area of the county, if any, shall elect one director; provided however that if one of the sections specified in 90050 does not vote to become a part of the district, no director shall be seated from that section. In the event that one of the remaining sections other than the City of San Diego elects not to become a part of the district and San Diego's representation on the board of directors therefore becomes less, the directors elected in the City of San Diego shall be seated on the board of directors of the district in the order of the number of votes each received in descending order. In the event of a tie, the directors involved shall determine by lot which shall be seated.

90171. The directors elected shall be residents of the respective city they represent at the time of their election and during the term of their office. Any director elected in the unincorporated area shall be a resident of that area at the time of his election and during the term of his office.

Article 2. Terms of Office

90190. The term of each director shall be for four years, except as provided in this article.

90191. Any vacancy, including any caused by death or resignation of any member, shall be filled by appointment of the board of directors within 60 days of date of vacancy. Such appointment shall be made within the jurisdiction in which the vacancy occurred.

90192. The person to fill any vacancy on the board shall serve temporarily to fill the unexpired term or until a successor is regularly elected at the next election within that jurisdiction whichever occurs first.

90193. The first members of the board of directors elected after the formation of the district shall so classify themselves by lot that one more than one-half of the directors shall serve for four years, and the remainder of the directors for two years. Thereafter the term of office of each director shall be four years.

90194. Every director is subject to recall by voters of the district, in accordance with the recall provisions of the general laws of the state applicable to county officers.

Article 3. Powers and Duties of Directors

90210. The oath of office of directors shall be taken, subscribed, and filed with the secretary of the district at any time after the director has been elected, but not later than 15 days after the commencement of his term of office. No other filing is required.

90211. The board shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability and shall provide for the time and place of holding its meetings, which shall be held at least once each month.

90212. The board is the legislative body of the district and determines all questions of policy.

90213. All matters and things necessary for the proper administration of the affairs of the district which are not provided for in this act shall be provided for by the board.

90214. The board shall supervise and regulate every transit facility owned and operated by the district, including the fixing of rates, rentals, charges, and classifications, and the making and enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any transit facility owned or controlled by the district.

90215. The board may adopt a personnel system for the purpose of recruiting and maintaining an effective working force with good morale. The board shall by resolution determine and create such number and character of positions as are necessary properly to carry on the functions of the district and shall establish an appropriate salary, salary range, or

wage for each position so created. The board may by resolution abolish any such position. Except as otherwise provided, appointments to such positions shall be made by the general manager.

90216. The board may from time to time contract for or employ any professional service required by the district or for the performance of work or service which cannot satisfactorily be performed by the regular employees of the district.

90217. The board shall have an annual audit made of all books and accounts of the district by a certified public accountant or public accountant.

90218. The board may provide by resolution, under such terms and conditions as it sees fit, for the payment of demands against the district without prior specific approval thereof by the board if the demand is for a purpose for which an expenditure has been previously approved by the board and in an amount no greater than the amount so authorized, and if the demand is approved by the general manager.

90219. To facilitate the business of the district, the board may provide for the creation and administration of such funds as the needs of the district may require. The funds shall be disbursed in accordance with rules established by the board and all payments for any fund shall be reported to the board

Article 4. Meetings and Legislation

90240. All meetings of the board shall be conducted in a manner prescribed by the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code.

90241. A majority of the board constitutes a quorum for the transaction of business.

90242. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board and for each day any member is engaged in authorized district business other than attendance at meetings of the board the sum of fifty dollars ($50) but not to exceed two hundred dollars ($200) in any calendar month and shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as authorized by the board

90243. The acts of the board shall be expressed by motion, resolution, or ordinance. No ordinance shall be passed by the board on the day of its introduction, nor within seven days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance, resolution, or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors.

90244. All ordinances shall be published after passage.

90245. The enacting clause of all ordinances shall be as follows: "Be it ordained by the Board of Directors of the San Diego County Transit District." All ordinances shall be signed

by the president or vice president of the board and attested by the secretary.

Article 5. Other Officers

90260. The board shall appoint and fix the salary of a general manager, who shall have full charge of the acquisition, construction, maintenance and operation of the facilities of the district and also of the administration of the business affairs of the district.

90261. All other things being equal, the board shall appoint as general manager some person who has had experience in the construction or management of transit facilities.

90262. The general manager need not be a resident of this state at the time of his appointment.

90263. The general manager shall hold office for an indefinite term and may be removed by the board only upon the adoption of a resolution by the affirmative vote of not less than a majority of the board. Before the general manager may be removed, he shall, if he demands it, be given a written statement of the reasons alleged for his removal and he shall have the right to be publicly heard thereon at a meeting of the board prior to the final vote on the resolution providing for his removal, but pending and during such hearing the board may suspend him from office. The board may not reduce the salary of the general manager below the amount fixed at the time of his original appointment except upon the adoption of a resolution by a like vote and after a like opportunity to be heard. The action of the board in suspending or removing the general manager or reducing his salary, if approved by a majority of the membership of the board is final.

90264. Notwithstanding this article, until such time as the district has operated, controlled, or used facilities or parts of facilities for providing the inhabitants within the boundaries of the district with transit service for a period of six months, the board may, but is not required to, appoint a general manager. A general manager appointed during such time holds office at the pleasure of the majority of the board.

90265. The board shall appoint a secretary and an attorney, who shall hold office during the pleasure of the board.

90266. The attorney shall be admitted to practice law in the Supreme Court of the state, and shall have been actively engaged in the practice of his profession for not less than five years next preceding his appointment.

90267 The secretary and such assistants as the board may determine, and shall have the power to administer all oaths or affirmations required by this act, including the oath of office.

90268. The board may consolidate any of the district offices in one person.

90269. The oath of all appointive officers of the district shall be taken, subscribed, and filed with the secretary of the district at any time after the officer has notice of his appoint-

ment but not later than 15 days after the commencement of his term of office. No other filing is required.

90270. Each appointive officer shall give such bond and in such amount as the board may require.

90271. Subject to the control of the board, the powers and duties of the general manager are:

(a) To have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district.

(b) To have full charge of the administration of the business affairs of the district.

(c) To see that all ordinances of the district are enforced.

(d) To administer the personnel system and collective bargaining agreements adopted by the board and except for officers appointed by the board to appoint, discipline or remove all officers and employees subject to the rules and regulations adopted by the board and the applicable provisions of this part or the terms and conditions contained in any applicable collective bargaining agreement.

(e) To attend all meetings of the board and submit a general report of the affairs of the district.

(f) To keep the board advised as to the needs of the district.

(g) To prepare or cause to be prepared all plans and specifications for the construction of the works of the district.

(h) To devote his entire time to the business of the district.

(i) To perform such other and additional duties as the board may require.

90272. The general manager shall within 90 days from the end of each fiscal year cause to be published a financial report showing the result of the operations for the preceding fiscal year and the financial status of the district on the last day thereof. The publication shall be made in the manner provided in this division for the publication of ordinances and notices generally.

90273. The attorney shall take charge of all suits and other legal matters to which the district is a party or in which it is legally interested. He shall give his advice or opinion in writing whenever required by the board He shall be the legal advisor of the general manager and other district officers and shall prepare or approve the forms of all ordinances, resolutions, contracts, bonds, and other legal documents connected with the business of the district. He shall perform such other and additional services as the board may require.

90274. The general manager shall provide for the custody of the funds of the district and the keeping of accounts of all receipts and disbursements Payments shall be made only upon warrants duly and regularly signed by the president or vice president of the board, or other person authorized by the board so to do, and by the general manager or secretary.

90275. With the consent of the board, the general manager may:

(a) Authorize the trust department of any state or national bank in this state or a trust company authorized to act as such

in this state, to receive as his agent deposits of any securities acquired by the district.

(b) Place and maintain for safekeeping as a trust deposit with the trust department of any state or national banks in this state, or a trust company authorized to act as such in this state, any securities owned by the district.

The bank or trust company selected shall have a total paid-in capital of at least one million dollars ($1,000,000). The general manager shall take from the trust department or trust company a receipt for the securities, and neither the general manager nor the district is responsible for the custody and safe return of the securities until they are withdrawn from the trust department or trust company by the general manager. Any trust department or trust company to which securities are delivered, either as agent or depository for the general manager, shall make such disposition of the securities as the general manager directs and is responsible only for strict compliance with written instructions given to it by the general manager. All such securities are at all times subject to the order of the general manager.

90300. (a) Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection. It is declared to be in the public interest that the district shall not express any preference for one union over another. Notwithstanding any other provision of this act, whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the district, upon determining as provided in subdivision (b) of this section that such labor organization represents the employees in the appropriate unit, shall enter into a written contract with the accredited representative of such employees governing wages, salaries, hours and working conditions. In case of a dispute over wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the district and the labor organization, upon the request of either, the district and the labor organization may submit said dispute to the decision of the majority of an arbitration board, and the decision of the majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the district, and two representatives of the labor organization, and they shall endeavor to agree upon the selection of the fifth member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the Supervisor of Conciliation of the Division of Conciliation, Department of Industrial Relations. The labor organization and the district shall, alternately, strike a name from the list so supplied, and the name remaining after the labor organization and the district have stricken four names, shall be designated

as the arbitrator. The labor organization and the district shall determine by lot who shall first strike from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear his own costs.

In the event the board and the representatives of the employees do not agree to submit said dispute to an arbitration board as herein provided, the State Conciliation Service may be notified by either party that a dispute exists and that there is no agreement to arbitrate. Said service shall determine whether or not the dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists; upon such determination the service shall certify its findings to the Governor of the State of California who shall, within 10 days of receipt of certification appoint a factfinding commission consisting of three persons which shall immediately convene and inquire into and investigate the issues involved in the dispute. Said commission shall report to the Governor within 30 days of the date of its creation.

After the creation of such commission and for 30 days after such commission has made its report to the Governor, no change, except by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the dispute arose and service to the public shall be provided.

No contract or agreement shall be made with any labor organization, association, group, or individual, or be assumed under the provisions of this section, where such organization, association, group, or individual denies membership to or in any manner discriminates against any employee on the grounds of race, creed, color or sex; provided, that such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence. The district shall not discriminate in regard to employment against any person because of his race, creed, or color.

(b) If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing after due notice to all interested parties and shall thereupon determine the unit appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions, the conduct of hearings and elections, the State Conciliation Service shall be guided by relevant federal law and administrative practice, developed under the Labor-Management Relations Act, 1947, as presently amended.

The State Conciliation Service shall provide for an election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective

bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later; provided, that no collective bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

(c) Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, the district shall assume and observe all existing labor contracts. To the extent necessary for operation of facilities, all of the employees of such acquired public utility whose duties pertain to the facilities acquired shall be appointed to comparable positions in the district without examination, subject to all the rights and benefits of this act, and these employees shall be given sick leave, seniority, vacation and pension credits in accordance with the records and labor agreements of the acquired public utility. Members and beneficiaries of any pension or retirement system or other benefits established by that public utility shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system. No employee, of any acquired public utility shall suffer any worsening of his wages, seniority, pension, vacation or other benefits by reason of the acquisition.

The district may extend the benefits of this section to officers or supervisory employees of the acquired utility.

(d) The district shall not acquire any existing system or part thereof whether by purchase, lease, condemnation, or otherwise, nor shall the district dispose of or lease any transit system or part thereof, nor merge, consolidate or coordinate any transit system or part thereof, or reduce or limit the lines or service of any existing system or of its system unless it shall first have made adequate provision for any employees who are or may be displaced. The terms and conditions of such provision shall be a proper subject of collective bargaining.

(e) Notwithstanding the provisions of the Government Code, employees of this district may authorize and, upon such authorization, the district may make deductions from wages and salaries of such employees:

(1) Pursuant to a collective bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(2) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.

(3) For any purpose for which deductions may be authorized by employees of any private employer.

(f) The obligation of the district to bargain in good faith with a duly designated or certified labor organization and to execute a written collective bargaining agreement with such labor organization covering the wages, hours and working

conditions of the employees represented by such labor organization in an appropriate unit, and to comply with the terms thereof shall not be limited or restricted by the provisions of the Government Code or other laws or statutes and the obligation of the district to bargain collectively shall extend to all subjects of collective bargaining which are or may be proper subjects of collective bargaining with a private employer, including retroactive provisions. Notwithstanding the provisions of the Government Code or other laws or statutes, the district shall make deductions from wages and salaries of its employees upon receipt of authorization therefor for the payment of union dues, fees or assessments, for the payment of contributions pursuant to any health and welfare plan or pension plan or for any other purpose for which deductions may be authorized by employees of any private employer, where such deductions are pursuant to a collective bargaining agreement with a duly designated or certified labor organization.

(g) The district may provide for a retirement system; provided, that the adoption, terms and conditions of any retirement system covering employees of the district represented by a labor organization in accordance with this section shall be pursuant to a collective bargaining agreement between such labor organization and the district.

(h) The district shall take such steps as may be necessary to obtain coverage for the district and its employees under Title II of the Federal Social Security Act, as amended, and the related provisions of the Federal Insurance Contributions Act, as amended.

(i) The district shall take such steps as may be necessary to obtain coverage for the district and its employees under the workman's compensation, unemployment compensation disability and unemployment insurance laws of the State of California.

CHAPTER 5. RETIREMENT SYSTEM

90350. The district is empowered to contract with the State Employees' Retirement System and may provide retirement and disability benefits for employees under the State Employees' Retirement System pursuant to its rules and regulations.

90351. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings in eminent domain or otherwise, that has a pension plan in operation, members and beneficiaries of such pension plan shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system.

Whenever any such facilities are acquired by the district, the board shall consider and take into account the outstanding obligations and liabilities of the publicly or privately owned public utility by reason of such pension plan and shall negotiate an allowance in the purchase price of such utility for the

assumption of such obligations and liabilities when acquiring the facilities.

CHAPTER 6. POWERS AND FUNCTIONS OF DISTRICT

Article 1. Corporate Power

90400. The district has perpetual succession and may adopt a seal and alter it at pleasure.

90401. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

90402. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this act whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this act. The district shall proceed in the name of the district in condemnation proceedings. The district, in exercising such power shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, cables, or poles of any public utility which is required to be moved to a new location.

No such taking or acquisition by the district which would involve the abandonment, removal, relocation or use of the property of a railroad corporation, as defined in Section 230 of this code, shall be permitted, unless the Public Utilities Commission, after hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical and efficient service.

Article 2. Contracts

90420. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this act.

90420 5. The district further shall be empowered to furnish contractual service outside of the district's boundaries.

90421. Neither the general manager nor any director of the district shall in any manner be interested, directly or

indirectly, in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom. Any violation of this provision is a misdemeanor, and conviction shall work a forfeiture of office. This section has no application to contracts awarded to corporations in which such officer owns less than 1 percent of the entire capital stock.

Article 3. Purchases

90440. The purchase of all supplies, equipment and materials, and the construction of facilities and works, when the expenditure required exceeds five thousand dollars ($5,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

90441. If after rejecting bids the board determines and declares by a two-thirds vote of all its members that in its opinion the supplies, equipment and materials may be purchased at a lower price in the open market, the board may proceed to purchase the supplies, equipment and materials in the open market without further observance of the provisions requiring contracts, bids, or notice.

90442. In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the board may, by resolution passed by a two-thirds vote of all its members declare and determine that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed in such emergency without observance of the provisions requiring contracts, bids, or notice.

Article 4. Property

90460. The district may take by grant, purchase, gift, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within or without the district when in its judgment it is for the best interests of the district so to do.

90461. Whenever the board by resolution determines that any record, map, book or paper in the possession of the district or any officer or employee thereof is of no further value to the district, the board may authorize its sale, destruction, or other disposition.

Article 5. Transit Facilities and Service

90480. The district may acquire, construct, own, operate, control or use rights-of-way, rail lines, buslines, stations, platforms, switches, yards, terminals, and any and all such other facilities necessary or convenient for transit service within or partly without the district, underground, upon, or above the ground and under, upon, or over public streets or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, and may acquire any interest in or rights to the joint use of any or all of the foregoing; provided, that installations in state freeways shall be subject to the approval of the State Department of Public Works and installations in other state highways shall be subject to Article 2 (commencing with Section 670), Chapter 3, Division 1 of the Streets and Highways Code.

90480.5. The negotiated purchase price of any existing facilities which are acquired by the district shall not exceed the fair market value of the tangible real and personal property which is acquired.

90481. The district may without limitation by any other provisions of this part requiring approval of indebtedness, accept contributions of money, rights-of-way, labor, materials, and any other property for the acquisition, construction, maintenance, and operation of transit facilities, and may without limitation by any other provisions of this part enter into any contracts and cooperation with and accept cooperation from the federal government, state, or any department, instrumentality, or agency thereof, or any public agency in the acquisition, construction, maintenance, and operation of, and in financing the acquisition, construction, maintenance, and operation of, any such transit facilities.

90482. The district may plan for, establish, construct, finance and operate rapid transit facilities and service within or without the district's boundaries, including making whatever contracts are necessary for the accomplishment of this purpose

90484. The district may construct and operate or acquire and operate works and facilities in, under, upon, over, across, or along any street or public highway or any stream, bay or watercourse, or over any of the lands which are the property of the state, to the same extent that such rights and privileges appertaining thereto are granted to municipalities within the state. The district shall not use any street or public highway in a manner to unnecessarily impair its usefulness.

90485. The district may enter into agreements for the joint use of any property and rights by the district and any city, public agency or public utility operating transit facilities; may enter into agreements with any city, public agency or public utility operating any transit facilities, either wholly or partially within, or without, the district, for the joint use

of any property of the district or of such city, public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements.

90486. The rates and charges for service furnished pursuant to this act shall be fixed by the board and shall be reasonable.

90487. The board of supervisors or the city council of a municipality having territory located within the district may file a request for a hearing before the district board as to the reasonableness of any rates or charges fixed by the district and as to any proposal for fixing the location of facilities by the district. The request shall be in writing and shall state the subject matter on which a hearing is desired.

90488. Upon the filing of a request for hearing as provided in Section 90487 the district board shall fix the time and place for hearing. The time fixed shall not be less than 15 days nor more than 60 days from the date such request is filed. Notice of such hearing shall be given to the county or city requesting such hearing and shall be published by the board.

90489. At the time fixed for any hearing before the board any board of supervisors or city council eligible to file a request for hearing, not a party to the original request for hearing, may intervene and shall be entitled to be heard and to introduce evidence.

90490. Within 30 days after submission of the case, the board shall render its decision and its decision shall be final.

Article 6. Indebtedness

90500. The district may borrow money and incur indebtedness, and may issue bonds or other evidences of indebtedness. No indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of two-thirds (66⅔%) of the voters voting on the proposition to incur such indebtedness, except that a further vote of the voters is not required for any indebtedness incurred within the purposes and not exceeding the available amount of any previously authorized bond issue, and as to such indebtedness the proceeds of any of the bonds unexpended in the treasury of the district, or the par value of any of the bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of the district.

90501. The district may borrow money for the purpose of defraying the expenses of the district lawfully incurred after the commencement of the fiscal year, but prior to the time moneys from the tax levy for the fiscal year are received by the district, in a sum which shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation of taxable property in the district at the time the moneys are borrowed, and may evidence such borrowing by notes bearing interest at a rate not to exceed six (6) percent per annum. The notes shall be payable from the tax levy from the then current

fiscal year, which levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

90501.5. The board of directors of the district may, within a period of two years from and after the formation of the district, pursuant to a resolution adopted by it for the purpose, borrow money on certificates of indebtedness, promissory notes, or other evidences of indebtedness, in anticipation of the estimated tax revenue for the following fiscal year, to be repaid within four years from the date of borrowing with interest at a rate not to exceed 6 percent per annum, in order to enable the district to meet all of its necessary initial expenses of organization, construction, acquisition, maintenance, and operation. The total amount of money borrowed and indebtedness incurred under this section during this two-year period shall not exceed 50 percent of the total amount of estimated tax revenue as estimated by the county auditor of the county in which the district lies for the following fiscal year.

The form of said notes and the proceedings relating to their issuance and sale, will be governed by the applicable provisions contained in Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

90502. The district shall not incur an indebtedness for public works which in the aggregate exceeds 15 percent of the assessed value of all the real and personal property within the district.

90503. Indebtedness which has been incurred for the acquisition, construction, and operation of transit facilities, where the revenue from the transit facilities for three years or more next preceding has been sufficient to pay the interest and principal due on any bonds issued for its construction or acquisition, in addition to the cost of operation and maintenance, shall not be counted and included in ascertaining the limit of indebtedness.

90504. The district may accept, without limitation by any other provisions of this act requiring approval of indebtedness, contributions or loans from the United States, this state, or any department, instrumentality, or agency of either thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, the United States, this state, or any department, instrumentality, or agency of either thereof, in the acquisition, construction, maintenance, and operation, and in financing the acquisition, construction, maintenance, and operation, of any such transit facilities in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which

aid, assistance, and cooperation may be furnished by the United States or this state in the acquisition, construction, maintenance, and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

90505. The district may purchase equipment such as cars, trolley buses and motorbuses, and rolling equipment, and may execute agreements, leases and equipment trust certificates in the forms customarily used by private corporations engaged in the transit business appropriate to effect the purchase and leasing of rolling equipment and may dispose of the equipment trust certificates upon the terms and conditions as the board may deem appropriate. All money required to be paid by the district pursuant to the agreements, leases and equipment trust certificates provided for in this section shall be payable solely from the revenues or income to be derived from the transit facilities and from grants and loans as provided in Section 90504. Payment for equipment, or the rental of equipment, may be made in installments and the deferred installments may be evidenced by equipment trust certificates payable solely from revenue or income as provided in this section, and title to the equipment shall not vest in the district until the equipment trust certificates are paid.

90506. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company, duly authorized to transact business in the State of California, as trustee, for the benefit and security of the equipment trust certificates and may direct the trustee to deliver the rolling equipment to one or more designated officers of the district and may authorize the district to simultaneously execute and deliver an installment purchase agreement or a lease of the equipment to the district.

90507. The agreements and leases shall be duly acknowledged before a person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds. The agreements, leases, and equipment trust certificates shall be authorized by resolution of the district and shall contain such covenants, conditions and provisions as may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenue or income to be derived from the transit system.

90508. The covenants, conditions and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any trust agreement securing the payment of bonds, notes or certificates of the district.

Article 7. Investments

90520. The district may invest any surplus money in its treasury, including money in any sinking fund, in any of the following:

(a) Its own bonds.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act (12 U.S.C. Sec. 1421) or the National Housing Act (12 U.S.C. Sec. 1701).

(d) Treasury notes or bonds of this state, or of any public corporation, municipal corporation, public district, or political subdivision within this state which are legal as security for the deposit of public funds.

90521. Such investment may be made by direct purchase of any issue of such bonds, treasury notes, or obligations, or part thereof, at the original sale or by the subsequent purchase of the bonds, treasury notes, or obligations.

90522. Any bonds, treasury notes, or obligations purchased and held as investments by the district may from time to time be sold and the proceeds reinvested in bonds, treasury notes, or obligations as provided in this article.

Article 8. Taxation

90540. A district may levy, and collect or cause to be collected, taxes for any lawful purpose.

90541. If, in the opinion of the board, the revenues will not be sufficient for any and all lawful purposes, the board shall levy a tax for such purpose or purposes and fix the amount of money necessary to be raised therefor by taxation.

90542. The board shall, at the time of fixing the general tax levy and in the manner provided for the general tax levy, levy and collect annually until the district's bonds are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof as becomes due before the proceeds of a tax levied at the next general tax levy will be available. If the maturity of the indebtedness created by the issue of bonds begins more than one year after the date of the issuance thereof, the tax shall be levied and collected annually at the time and in the manner aforesaid, sufficient to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity.

90543. The taxes required to be levied and collected on account of interest, principal and sinking fund of district bonds shall be in addition to all other taxes levied for district purposes, and shall be collected at the time and in the same

manner as other district taxes are collected and be used for no other purpose than the payment of the bonds and accruing interest.

90544. The board may provide for the assessment, levy, and collection of taxes by the district, including the sale of property to the district for delinquent taxes, with penalties, interest, and cost.

90545. The board shall avail itself of the assessments made by the assessor of the county and of the assessments made by the State Board of Equalization for the county and shall take such assessments as the basis for district taxation and have its taxes collected by the tax collector of the county.

90546. In such case the county assessor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district, ascertained from the assessments referred to in Section 90545 as equalized.

90547. The board shall, on or before the first weekday in September, or if such weekday falls upon a holiday then on the first business day thereafter, fix the rate of taxes, designating the number of cents or fractions thereof upon each hundred dollars, using as a basis the value of property transmitted to the board by the county assessor, which rate of taxation shall be sufficient to raise the amount previously fixed by the board, subject to a maximum limitation of five cents ($0.05) per one hundred dollars ($100) assessed valuation. These acts by the board shall constitute a value assessment of the property and a valid levy of the taxes so fixed.

90548. The board shall immediately after fixing the rate of taxes as above provided transmit to the county assessor of the county a statement of the rate of taxes fixed by the board.

90549. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the general requirements and penalties provided by law for the settlement of other taxes.

90550. Whenever any real property has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurer in the proportion which the tax due to the district bears to the total tax for which the property was sold.

90551. The compensation to be charged by and paid to any county for the performance of services under this article shall be fixed by agreement between the board of supervisors of the county and the board. The compensation shall in no event exceed one-half of 1 percent of all money collected for the district. The compensation collected by the county shall be placed to the credit of the county general fund.

90552. All taxes levied under this act are a lien on the property on which they are levied. The enforcement of the collection of such taxes shall be in the same manner and by

the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made a part of this act so far as applicable.

Article 9. Claims

90570. All claims for money or damages against the district are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

CHAPTER 7. BONDS

Article 1. Issuance

90600. The district may from time to time incur a bonded indebtedness as provided in this chapter to pay the cost of acquiring, constructing, or completing the whole or any portion of any, transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district.

90601. Whenever the board by resolution passed by vote of two-thirds of all its members determines that the public interest or necessity demands the acquisition, construction, or completion by the district of any transit facilities or any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, it may at any subsequent meeting of the board provide by ordinance for the submission of the proposition of incurring a bonded indebtedness for the purpose set forth in the resolution to the voters of the district at a special bond election held for that purpose.

90602. In lieu of a resolution passed by the board, proceedings for the issuance of bonds for the purposes provided in this chapter may be initiated by petition of the voters of the district.

90603. Whenever any petition signed by voters within the district equal in number to at least 15 percent of the total vote cast at the last general election is presented to the board asking for the acquisition, construction, or completion of the whole or any portion of any transit facilities or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes, or powers of the district, and also asking that a bonded indebtedness be incurred to pay the cost thereof, the secretary of the district shall immediately examine and verify the signatures of the petition and certify the result of the examination to the board.

90604. If the required number of signatures is found to be genuine, the secretary shall transmit to the board an authentic copy of the petition without the signatures.

90605. Upon receiving a petition with the certificate of the secretary stating that it contains the required number of signatures, the board shall formulate for submission to the voters of the district at a special bond election called for that purpose the proposition of incurring a bonded indebtedness for the purposes set forth in the petition. In its discretion the board may defer the calling of the election until the next general election to be held in the district in order to consolidate them.

90606 The ordinance calling a special bond election shall fix the date on which the election will be held, and the manner of holding the election and of voting for or against incurring the indebtedness. It shall also recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the transit facilities, works, lands, structures, rights, equipment, or other property proposed to be acquired, constructed, or completed, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness, which shall not exceed 6 percent per annum, payable semiannually or annually the first year and thereafter semiannually.

90607. Propositions for incurring indebtedness for more than one object or purpose may be submitted at the same election.

90608. Any special bond election may be held separately, or may be consolidated with any other election authorized by law at which the voters of the district may vote. If a special bond election is consolidated with any other election, the provisions of this chapter setting forth the precedure for the calling and holding of the special bond election shall be complied with, except that the ordinance calling the election need not set forth the election precincts, polling places, and officers of election shall be the same as those set forth in the ordinance, notice, or other proceedings calling the election with which the special bond election is consolidated, and shall refer to the ordinance, notice, or other proceedings by number and title, or by other definite description.

90609. The ordinance shall be published, and no other notice of election need be given.

90610. The board shall comply with the provisions of Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code, the provisions of which are applicable to any bond election held pursuant to this article. Wherever the words "county clerk" appear in the Elections Code the words "secretary of the board" shall be substituted, for the purposes of this article, and wherever the words "board of supervisors" appear in the Elections Code, the words "board of directors" shall be substituted, and wherever the words "district attorney or county counsel" appear in the

Elections Code, the words "attorney for the district" shall be substituted.

90611 The votes of two-thirds ($66\frac{2}{3}\%$) of all the voters voting on the proposition at the election are required to authorize the issuance of general obligation bonds under this chapter.

90612. If the proposition submitted at a special bond election fails to receive the requisite number of votes, the board shall not within six months after the election hold another special election for the submission of a proposition of incurring a bonded indebtedness substantially the same as the proposition voted upon at a prior election unless a petition signed by voters within the district equal in number to at least 15 percent of the total vote cast at the last general election is filed with the board, requesting that the proposition, or a proposition substantially the same, be submitted at an election to be called for that purpose.

Article 2. Form and Content

90620. Bonds authorized by this chapter shall mature serially in amounts to be fixed by the board; except that payment shall begin not later than 10 years from the date thereof and shall be completed in not more than 50 years from that date.

The board may divide any issue of bonds authorized pursuant to this chapter into two or more series, and may fix different dates of issuance and different maturity dates for the bonds of each series. The bonds of each series shall mature serially in amounts to be fixed by the board, and the board shall fix a date not more than 10 years from the date of issuance of each series for the earliest maturity of such series, and shall fix a date not more than 50 years from the date of issuance of each series for the final maturity of such series.

Pending the actual issuance or delivery of bonds, a district may issue temporary or interim bonds, certificates, or receipts, of any denomination, whatsoever, with or without coupon, and in such form as may be prescribed by the board to be exchanged for definite bonds when ready for delivery.

90621. The bonds shall be issued in such denominations as the board determines, except that no bonds shall be issued of a denomination less than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000) or any multiple thereof, and shall be payable on the day and at the place or places fixed in the bonds, and with interest at the rate specified therein, payable semiannually.

90622. The board may at any time prior to the issuance and sale of any bonds provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity at not exceeding the par value and accrued interest plus a premium of not exceeding 5 percent upon the principal amount of the bonds, in which event the call price fixed by the board shall be set forth on the face of the

bond. Notice of such redemption shall be published. If there is no newspaper of general circulation printed and published within the district, then the publication shall be made in a newspaper of general circulation printed and published within the county in which the district or any part thereof is situated. The first publication shall be at least 30 days prior to the date fixed for the redemption. After the date fixed for such redemption interest on the bonds thereafter shall cease.

90623. The bonds shall be signed by the president of the board or by such officer of the district as the board shall by resolution authorize and designate for that purpose. They shall also be signed by the treasurer, and be countersigned by the secretary. The coupons of the bonds shall be numbered consecutively and be signed by the treasurer. All signatures and countersignatures, except one of said signatures or countersignatures on the bonds, may be printed, lithographed, or engraved. If any officer whose signature or countersignature appears on the bonds or coupons ceases to be such officer before the delivery of the bonds to the purchaser, the signature or countersignature is nevertheless valid and sufficient for all purposes as if he had remained in office until the delivery of the bonds.

Article 3. Issue and Sale

90640. The bonds may be issued and sold for not less than their par value, but otherwise as the board determines. Before selling any bonds or any part thereof, the board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either again give notice inviting bids or sell the bonds at private sale.

90641. All premiums and accrued interest received on the sale of bonds shall be placed in the fund to be used for the payment of principal of and interest on the bonds. The remainder of the proceeds of the bonds shall be placed in the district treasury to the credit of the proper fund, and shall be used exclusively for the objects or purposes for which the bonds were voted; provided that when said objects and purposes have been accomplished any moneys remaining shall be transferred to the fund to be used for the payment of principal of and interest on the bonds, and that when all principal of and interest on the bonds shall have been paid, any balance of money then remaining shall be transferred to the general fund of the district.

90642. In lieu of the immediate levy of a tax to pay the interest or any part thereof on any bonded indebtedness incurred in accordance with this part the board may, in the estimate of the amount of money necessary to be raised by

the bonds, include a sum sufficient to pay interest on all of the bonds or part thereof during the period of acquisition, construction, or completion, but for no period in excess of five years.

Article 4. Refunding

90660. Whenever the board by resolution passed by a vote of two-thirds of all its members determines that the refunding of the whole or any portion of the bonded indebtedness will be of advantage to the district the board may refund the bonded indebtedness or any portion thereof and issue refunding bonds of the district therefor.

90661. The issuance of refunding bonds shall not be construed as the incurring or increase of an indebtedness within the meaning of this part, and the approval of the voters is not required for the issuance of refunding bonds. The board may provide for the call and redemption of any or all of the bonds on any interest payment date prior to their fixed maturity in the ordinance authorizing the issuance of the refunding bonds.

90662. Except as otherwise provided, the provisions of this chapter shall substantially govern as to all matters pertaining to the issuance of refunding bonds, including and without limiting the generality of the foregoing, the form, execution, issuance, maturity, redemption, refunding, validation, the payment of interest from bond funds, and the status of the bonds as investments.

90663. Refunding bonds shall bear interest at a rate not exceeding the interest rate on the refunded bonds, but payment of the refunding bonds shall begin not later than one year from the date thereof and be complete in not more than 40 years from that date.

90664. The proceeds of the sale of refunding bonds shall be applied only to the purchase, or retirement at not more than par and accrued interest, or the call price, of the bonded indebtedness for which the refunding bonds were issued.

90665. In lieu of selling refunding bonds and using the proceeds to purchase or retire the bonds to be refunded, the board may exchange refunding bonds at not less than par and accrued interest for the bonds so refunded.

90666. Whenever outstanding bonds are refunded they shall be surrendered to the treasurer of the district, who shall cancel them by endorsing on their face the manner in which the refunding was effected (whether by exchange or purchase, and the amount for which so purchased, if any) and by perforating through each bond and each coupon attached thereto the word "canceled" together with the date of cancellation.

Article 5. Status as Investments

90680. All bonds including refunding bonds issued by a district are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and

savings, and trust companies, and for the State School Fund and for all sinking funds under the control of the State Treasurer. Whenever any money or funds may by law be invested in or loaned upon the security of bonds of cities, cities and counties, counties, or school districts, in the state, such money or funds may be invested in or loaned upon the security of the bonds of the district; and whenever bonds of cities, cities and counties, counties, or school districts by law may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of the district may be so used.

90681. All bonds of the district, to the same extent as bonds of any other municipality, are legal for use by any state or national bank or banks in the state as security for the deposit of funds of the state or of any county, city and county, city, municipality, or other public or municipal corporation within the state.

Article 6. Validating Proceedings

90700. An action to determine the validity of bonds, including refunding bonds, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Article 7. Revenue Bonds

90720. As an alternative procedure for the raising of funds, the district is authorized to issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by a district, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), all of the provisions of which are applicable to a district created pursuant to this part.

90721. The district is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise" as used in the Revenue Bond Law of 1941 shall, for all purposes of this part, include transit facilities and any and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed or completed by the district. A district may issue revenue bonds under the Revenue Bond Law of 1941, for any one or more facilities or enterprises authorized to be acquired, constructed, or completed by a district or, in the alternative may issue revenue bonds under the Revenue Bond Law of 1941, for the acquisition, construction and completion of any one of such facilities. Nothing in this article shall prevent a district from availing itself of, or making use of, any procedure provided in this part for the issuance of bonds of any type or character for any of the fa-

cilities or works authorized hereunder, and all proceedings may be carried on simultaneously, or in the alternative, as the directors may determine.

CHAPTER 8. ANNEXATION OF CITIES

Article 1. Annexation Agreement

90770. Any city not included within the boundaries of the district may be annexed thereto in the manner provided in this chapter, and if such annexation is successful, shall be entitled to seat one member on the district's board of directors.

90771. The legislative body of the city proposed to be annexed shall agree in writing with the board upon the terms and conditions of annexation, which agreement, among other things, may provide for the levy and collection of special taxes within the city in addition to the taxes elsewhere in this act provided for, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere within the district, the incurring or assumption of indebtedness, or the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the city.

90772. As an alternative to commencement of annexation proceedings by action of the legislative body of a city, a petition signed by voters within the city proposed to be annexed, equal in number to at least 10 percent of the total vote cast at the last general election, and asking that proceedings be taken for its annexation, may be addressed to the board and filed with the secretary of the district.

90773. The petition may include one or more separate documents, but each document shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be. The secretary of the district shall compare the signatures on the petition with the affidavits of registration on file with the county clerk and if he finds that the petition has been signed by the required number of voters he shall attach his signature thereto and present the petition to the board.

90774. If the board determines that the annexation of the city, whose voters have petitioned pursuant to Section 90773, would facilitate the acquisition or operation of any transit facilities for the district or be of advantage to the district, then the board shall also determine the terms and conditions upon which the annexation should be made. The terms and conditions of annexation shall be embodied in an annexation agreement. The annexation agreement may provide, among other things, for any or all of the items set forth in Section 90771.

Article 2. Approval by District

90790. The agreement shall become effective and be binding upon the district and the city when approved in the manner set forth in this chapter.

The board shall by ordinance setting forth the agreement at length declare its intention of causing it to be executed by the district.

90791. The ordinance, together with a notice fixing the time and place for hearing thereon, shall be published in the district pursuant to Section 6061 of the Government Code. The time fixed for the hearing shall be not less than 30 nor more than 60 days from the date of the publication of the ordinance.

90792. At the hearing any person interested may file with the board written objections to the execution of the agreement.

90793. Upon the hearing the board shall determine whether or not the agreement will be carried into execution and shall hear and determine all objections thereto. Failure of any person interested in the district or in the matter of the proposed execution of the agreement to show cause in writing pursuant to Section 90792 constitutes an assent on his part to a change in the boundaries of the district and to the execution of the agreement.

90794. Any hearing on the agreement may be adjourned from time to time by the board without further notice other than an order to be entered upon the minutes of the meeting fixing the time and place of adjournment.

90795. If no protests are filed or if the protests filed are overruled and denied, the board shall by resolution finally approve the agreement and authorize its execution, which shall become effective when executed by the city, duly authorized in the manner provided in this chapter.

90796. When executed by the district the agreement shall be dated and an executed copy filed with the secretary of the district. An executed copy shall also be filed with the clerk of the city to be annexed.

Article 3. Approval by City

90810. At any time after the board has finally approved the agreement of annexation the legislative body of the city to be annexed shall cause an election to be held in the city to determine whether the city will be annexed to the district upon the terms and conditions stated in the agreement.

90810.5. The city shall cause to be held, concurrent with the annexation election, an election for the purpose of selecting one board member for the district in the event the annexation is successful.

90811. Notice of election shall be published as provided in Section 6066 of the Government Code and shall either state that a copy of the annexation agreement is on file in the

office of the secretary or clerk of the city proposed to be annexed, and open to the inspection of all persons interested, or set forth the terms and conditions of the agreement of annexation at length, in the discretion of the legislative body calling the election.

90812. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition shall set forth the proposition of annexation substantially as follows:

Shall the _____ (city) be annexed to the San Diego County Transit District in accordance with and subject to all of the terms and conditions of an agreement of annexation dated _____ now on file in the office of the clerk of _____ (city)?	YES	
	NO	

90813. If upon a canvass of the election it is found that a majority of all votes cast on the proposition at the election were cast in favor of the annexation, the proposition and all of the terms and conditions of the agreement of annexation shall be deemed carried and approved by the voters.

90814. If the proposition fails to carry, the result shall be entered upon the minutes of the governing body of the city.

90815. If the proposition receives the vote of the requisite majority of voters, the governing body of the city shall enter in its minutes an order declaring the result of the election and shall thereupon cause the agreement of annexation to be executed by its duly authorized officers.

Article 4. Establishment of Annexation

90830. Upon receipt by the district of a copy of the agreement of annexation properly executed by the district and the city proposed to be annexed, the board shall pass a resolution declaring the city annexed to the district, and shall cause a certified copy of the resolution to be filed with the Secretary of State. From and after the date of filing of the resolution with the Secretary of State, the annexation of the city to the district is complete.

Article 5. Annexation of Territory to Cities

90850. Any territory annexed in accordance with law to any city included in the district shall, upon the completion of such annexation proceeding, be deemed incorporated into and annexed to the district, and thereafter is subject to taxation, along with the entire territory of the district in accordance with the assessable valuation of the property thereof, for

general district purposes, and for the payment of any indebtedness theretofore or thereafter incurred by the district.

Article 6. Effect of Annexation

90870. From and after the date of annexation, the board shall levy upon all of the property in the city annexed, such taxes, tolls, or charges as are necessary to provide funds for the payment of the indebtedness assumed by the city or otherwise necessary to comply with the terms and conditions of the annexation agreement, all in addition to the general district taxes authorized elsewhere in this division to be levied and collected.

90871. No annexation of a city to a district shall operate to dissolve or terminate the legal existence of the city annexed.

Article 7. Contest of Annexation

90880. The validity of any proceedings for the annexation of any city to any district shall not be contested in any action unless the action is brought within three months after the completion of the proceedings.

Chapter 9. Annexation of Unincorporated Territory

Article 1. Annexation Agreement

90930. Unincorporated territory may be annexed to the district in the manner provided in this chapter.

90931. Unincorporated territory not contiguous to the district may not be annexed if the district does not possess facilities for supplying transit service to that territory.

90932. A petition signed by voters within the territory proposed to be annexed equal in number to at least 10 percent of the total vote cast, describing the territory and asking that proceedings be taken for its annexation, shall be addressed to the board and filed with the secretary of the district.

90933. The secretary shall compare the signatures on the petition with the affidavits of registration on file with the county clerk and if he finds that the petition has been signed by the required number of voters he shall attach his signature thereto and present the petition to the board.

90934. If the board determines that the annexation of the territory would facilitate the acquisition or operation of any transit facilities for the district, or be of advantage to the district, then the board shall also determine the terms and conditions upon which the annexation should be made.

90935. Provisions may be made, among other things, for payment of taxes within the territory to be annexed in addition to the taxes elsewhere in this act provided for, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere within the district, the incurring or assump-

tion of indebtedness, or the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the territory proposed to be annexed. The boundaries of the territory proposed to be annexed need not be coterminous with any election precincts. The terms and conditions shall become effective and be binding upon the district and the territory to be annexed with approval in the manner set forth in this chapter.

90936. As an alternative to commencement of annexation proceedings by a petition by the voters within any unincorporated territory, proposed to be annexed, the legislative body of an unincorporated territory may agree in writing upon the terms and conditions of annexation, which agreement may contain, among other things, provisions as set forth in Sections 90934 and 90935.

Article 2. Approval by District

90950. The board shall by ordinance setting forth the terms and conditions at length declare its intention of causing the agreement to be approved by the district.

90951. The ordinance together with a notice fixing the time and place for hearing thereon shall be published in the district pursuant to Section 6061 of the Government Code. A copy of the ordinance shall be filed with the secretary of the district. The time fixed for hearing shall not be less than 30 nor more than 60 days from the date of the publication of the ordinance.

90952. At the hearing any person interested may file with the board written objections to the approval of the terms and conditions.

90953. Upon the hearing, the board shall determine whether or not the terms and conditions will be approved and shall hear and determine all objections thereto Failure of any person interested in the district or in the matter of the proposed annexation on the terms and conditions set forth in the ordinance to show cause in writing pursuant to Section 90952 constitutes an assent on his part to a change in the boundaries of the district upon the terms and conditions set forth.

90954. If no protests are filed or the protests filed are overruled and denied by the board, the board shall by resolution finally approve the terms and conditions and proceed with the annexation in the manner provided in this chapter.

90955. If protests against the proposed annexation are sustained, all proceedings shall be dismissed and no proceedings shall be undertaken again concerning the territory or any part thereof until after the expiration of one year.

Article 3. Approval by Unincorporated Territory

90970. Within 90 days after the board has finally approved the terms and conditions of annexation, the board shall cause an election to be held in the territory proposed to be annexed

to determine whether the territory shall be annexed to the district upon the terms and conditions stated in the ordinance.

90971. Notice of election shall be published and shall either state that a copy of the ordinance containing the terms and conditions of annexation at length is on file in the office of the secretary of the district, and open to the inspection of all persons interested, or set forth the terms and conditions of annexation at length, in the discretion of the board.

90972. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition shall set forth the proposition of annexation substantially as follows:

Shall the territory described in the petition filed with the Secretary of the San Diego County Transit District on the ___ day of _____ be annexed to the San Diego County Transit District in accordance with and subject to all of the terms and conditions set forth in that certain ordinance passed by the board of directors of the San Diego County Transit District on the ___ day of _____ a copy of which is now on file in the office of the Secretary of the San Diego County Transit District?	YES	
	NO	

90972.5. In the event that no unincorporated territory shall have been included in the original formation of the district, an election shall be held concurrent with the first annexation election of unincorporated territory for the purpose of selecting one board member for the district in the event the annexation is successful.

90973. If upon a canvass of the election it is found that a majority of all votes cast on the proposition at the election were cast in favor of the annexation, the proposition and all of the terms and conditions set forth in the ordinance shall be deemed carried and approved by the voters.

90974. If the proposition fails to carry, the result shall be entered upon the minutes of the board.

90975. If the proposition is defeated by the voters, no annexation proceeding shall be commenced involving the territory or any part thereof until after the expiration of one year.

Article 4. Establishment of Annexation

90990. In the event the proposition receives the vote of the requisite majority of voters, the board shall pass a resolution declaring the territory annexed to the district, and shall cause a certified copy of the resolution to be filed with the Secretary of State, from and after the date of which filing

with the Secretary of State the annexation of the territory to the district is complete.

Article 5. Annexation Without Election

91010. Unincorporated territory may be annexed to a district without an election in the manner provided in this article.

91011. A petition describing the territory proposed to be annexed and requesting that proceedings be taken for its annexation shall be signed by all of the owners of the real property described therein, verified by the affidavit of one of the petitioners, addressed to the board, and filed with the secretary of the district. If a portion of the territory consists of public highways, streets, roads or paths, it shall not be necessary to secure the signatures to the petition of the owners only of the real property occupied by such public highways, streets, roads or paths.

91012. Proceedings shall thereafter be taken and a hearing held in substantial compliance with the provisions of this chapter relating to the annexation of unincorporated territory except that no election shall be held within the territory proposed to be annexed and the territory shall be deemed annexed to the district upon the passage of a resolution of the board declaring the territory annexed and the filing of a certified copy thereof with the Secretary of State.

Article 6. Effect of Annexation

91020. From and after the date of annexation, the board shall levy upon all of the property in the territory annexed, such taxes, tolls, or charges as are necessary to provide funds for the payment of the indebtedness assumed by the territory or otherwise necessary to comply with the terms and conditions of the annexation, all in addition to the general district taxes authorized elsewhere in this act to be levied and collected.

Article 7. Contest of Annexation

91040. The validity of any proceedings for the annexation of any unincorporated territory to any district shall not be contested in any action unless the action is brought within three months after the completion of the proceedings.

Chapter 10. Dissolution

92000. If the district operates no transit facilities, or its exterior boundaries become coincident with the boundaries of a single city, the board may call an election at any time for the purpose of submitting to the voters of the district the question of whether the district will be dissolved. Upon the filing with the secretary of such a district of a petition signed by voters within the district equal in number to at least twenty-

five percent (25%) of the total vote cast, asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call such an election.

92001. The election for the purpose of submitting to the voters of the district the question of whether or not the district shall be dissolved shall be held within 60 days next succeeding the date on which the petition is filed.

92002. Notice of any election for dissolution, whether called because of the filing of a petition or ordered by the board without petition, shall be published. The date fixed for the election shall not be less than 30 days from the date of the first publication of the notice.

92003. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following:

Shall the San Diego County Transit District be dissolved?	YES	
	NO	

92004. No other notice of the election other than that provided for in this chapter need be given and no sample ballots need be sent to the voters.

92005. If upon a canvass of the election, it is found that a majority of all votes cast on the proposition at the election were in favor of the dissolution, the dissolution shall be deemed carried and approved by the voters. The board shall meet on Monday next succeeding the election and canvass the votes cast.

92006. Upon dissolution of any district which has boundaries that are coincident with the corporate limits of a city, the district property wherever situated vests absolutely in the city, and upon the dissolution of any district operating no transit facilities and which has boundaries that extend beyond the boundaries of a single city the property of the district wherever situated vests in the county in which the whole or greater portion of the district is situated.

92007. If at the time of dissolution, there is any outstanding indebtedness of the district the legislative authority of the city, where the limits of the district lie wholly within the corporate limits of a city, and in all other cases, the board of supervisors of the county in which the whole or greater portion of the district is situated are ex officio the board of directors of the district for the purpose only of the levy and collection of taxes for the payment of the indebtedness of the district existing at the time of dissolution and the interest thereon. The board or legislative authority shall levy the taxes and perform such other acts as are necessary to raise the money necessary for the payment of the indebtedness and the interest thereon.

92008. In the event that the proposition for dissolution fails to carry, no subsequent election for the dissolution of the district shall be called until after the expiration of one year from the date of the prior election.

CHAPTER 2040

An act to add Section 15417 to the Elections Code, relating to recount of ballots.

[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 15417 is added to the Elections Code, to read:

15417. Notwithstanding any other provision of law in any election in which devices provided for by this chapter are used, recounts of the ballots so tabulated shall be accomplished in any or all of the ways provided herein.

(a) Within 15 days after every such election, the county clerk, chief elections officer or other officer conducting the election shall conduct a public manual recount of the ballots tabulated by such devices cast in one percent (1%) of the precincts. In such case, however, the recount shall be conducted in not less than six precincts or if the total number of precincts is less than six, then the recount shall be conducted in all the precincts.

(b) When requested by the board of supervisors or the grand jury, the district attorney may petition the superior court for an order directing a public recount to be made of such ballots in such precincts in the county as it designates for any election occurring not over 25 days before such request. Such request and petition shall be made only on one or more of the following grounds, and such order may be issued only with a finding that there is probable cause to believe that one or more of the grounds exist:

(1) Misconduct by anyone sufficient to make it likely that the result of the election was affected as to the successful candidates or propositions or tie holders, including any of the conduct specified in Section 20021;

(2) Errors or failures, whether electronic, mechanical or otherwise, in the safekeeping, handling, tallying, counting, recording, or certification of the ballots or votes cast, sufficient to make it likely that the result of the election was affected as to the successful candidates or propositions or tie holders, or sufficient to cast substantial doubt on the substantial accuracy of the results without regard to affecting any result.

The petition shall be set for hearing and may be opposed by any interested party.

(c) The court may order such further recounts as it may deem proper based on the results of the recounts provided for in subdivisions (a) and (b); and shall declare the results of all such recounts; and shall determine and order corrected the results of any election affected by any recount.

(d) The court may order payment of the costs of any such recount in whole or in just proportion by any person or any public agency, or both, who petition for a recount. In the case of public agencies the costs shall be provided for and paid pursuant to Section 15416.

CHAPTER 2041

An act to amend Section 3501 of the Government Code and to add Article 5 (commencing with Section 13080) to Chapter 1 of Division 10 of Part 2 of the Education Code, relating to public school employee organizations.

[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 3501 of the Government Code is amended to read:

3501. As used in this chapter:

(a) "Employee organization" means any organization which includes employees of a public agency and which has as one of its primary purposes representing such employees in their relations with that public agency.

(b) Except as otherwise provided in this subdivision, "public agency" means the State of California, every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not. As used in this chapter, "public agency" does not mean a school district or a county board of education or a county superintendent of schools or a personnel commission in a school district having a merit system as provided in Chapter 3 (commencing with Section 13580) of Division 10 of the Education Code.

(c) "Public employee" means any person employed by any public agency excepting those persons elected by popular vote or appointed to office by the Governor of this state.

SEC. 2. Article 5 (commencing with Section 13080) is added to Chapter 1 of Division 10 of Part 2 of the Education Code, to read:

Article 5. Employee Organizations

13080. It is the purpose of this article to promote the improvement of personnel management and employer-employee relations within the public school systems in the State of Cali-

fornia by providing a uniform basis for recognizing the right of public school employees to join organizations of their own choice and be represented by such organizations in their professional and employment relationships with public school employers and to afford certificated employees a voice in the formulation of educational policy. Nothing contained herein shall be deemed to supersede other provisions of this code and the rules and regulations of public school employers which establish and regulate tenure or a merit or civil service system or which provide for other methods of administering employer-employee relations. This article is intended, instead, to strengthen tenure, merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public school employers by which they are employed.

13081. As used in this article:

(a) "Employee organization" means any organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer.

(b) "Public school employer" means a school district, a county board of education, a county superintendent of schools, or a personnel commission of a school district which has a merit system as provided in Chapter 3 of this division.

(c) "Public school employee" means any person employed by any public school employer excepting those persons elected by popular vote or appointed by the Governor of this state.

13082. Except as otherwise provided by the Legislature, public school employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Public school employees shall also have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the public school employer.

13083. Employee organizations shall have the right to represent their members in their employment relations with public school employers. Employee organizations may establish reasonable restrictions regarding who may join and may make reasonable provisions for the dismissal of individuals from membership. Nothing in this section shall prohibit any employee from appearing in his own behalf in his employment relations with the public school employer.

13084. The scope of representation shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to wages, hours and other terms and conditions of employment.

13085. A public school employer or the governing board thereof, or such administrative officer as it may designate, shall meet and confer with representatives of employee organi-

zations upon request with regard to all matters relating to employment conditions and employer-employee relations, and in addition, shall meet and confer with representatives of employee organizations representing certificated employees upon request with regard to all matters relating to the definition of educational objectives, the determination of the content of courses and curricula, the selection of textbooks, and other aspects of the instructional program to the extent such matters are within the discretion of the public school employer or governing board under the law. The designation of an administrative officer as provided herein shall not preclude an employee organization from meeting with, appearing before, or making proposals to the public school employer at a public meeting if the employee organization requests such a public meeting.

Notwithstanding the provisions of Sections 13082 and 13083, in the event there is more than one employee organization representing certificated employees, the public school employer or governing board thereof shall meet and confer with the representatives of such employee organizations through a negotiating council with regard to the matters specified in this section, provided that nothing herein shall prohibit any employee from appearing in his own behalf in his employment relations with the public school employer. The negotiating council shall have not more than nine nor less than five members and shall be composed of representatives of those employee organizations who are entitled to representation on the negotiating council. An employee organization representing certificated employees shall be entitled to appoint such number of members of the negotiating council as bears as nearly as practicable the same ratio to the total number of members of the negotiating council as the number of members of the employee organization bears to the total number of certificated employees of the public school employer who are members of employee organizations representing certificated employees. Each employee organization shall adopt procedures for selecting its proportionate share of members of the negotiating council, provided that such members shall be selected no later than October 31 of each school year. Within 10 days after October 31, the members of the negotiating council shall meet and select a chairman, and thereafter such negotiating council shall be legally constituted to meet and confer as provided for by the provisions of this article. Employee organizations shall exercise the rights given by Section 13083 through the negotiating council provided for in this section.

13086. Public school employers and employee organizations shall not interfere with, intimidate, restrain, coerce or discriminate against public school employees because of their exercise of their rights under Section 13082.

13087. A public school employer shall adopt reasonable rules and regulations for the administration of employer-employee relations under this article.

Such rules and regulations shall include provision for verifying the number of certificated employees of the public school employer who are members in good standing of an employee organization on the date of such verification, and where a negotiating council is required by Section 13085, for the size of the negotiating council. The public school employer may require an employee organization to submit any supplementary information or data considered by the public school employer to be necessary to the verification of the number of members in an employee organization and such information or data shall be submitted by the organization within 10 days after request, provided that membership lists, if requested, shall not be used as a means of violating Section 13086. In addition, such rules may include provisions for (a) verifying the official status of employee organization officers and representatives, (b) access of employee organization officers and representatives to work locations, (c) use of official bulletin boards and other means of communication by employee organizations, (d) furnishing complete and accurate nonconfidential information pertaining to employment relations to employee organizations and (e) such other matters as are necessary to carry out the purposes of this article.

13088. The enactment of this article shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees.

CHAPTER 2042

An act to amend Sections 23755 and 23756 of the Education Code, relating to tuition, 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 23755 of the Education Code is amended to read:

23755. Any unmarried minor whose parent is in the active military service of the United States of America and is stationed in this state on the opening day of the semester during which the person proposes to attend the state college shall, for the purposes of Sections 23604 to 23607, inclusive, Sections 23751 to 23803, inclusive, Sections 24051 to 24104, inclusive, Sections 24451 to 24455, inclusive, and Sections 24581, 24582, and 24601, be deemed to be a resident of this state for such semester. Any admission fee or rate of tuition required of such person shall not exceed the amount required of a resident student enrolled in the same course as such person.

SEC. 2. Section 23756 of said code is amended to read:

23756. "A resident student" means any person who has been a bona fide resident of the state for more than one year immediately preceding the opening day of a semester during which he proposes to attend the state college.

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code. The residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian, except that:

(a) Where immediately prior to enrolling in any California institution of higher learning the minor child has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than two years, the residence of the minor child is the residence of the person, or persons having such care and control after the expiration of that two years. As used in this subdivision, "California institution of higher learning" means any public or private university, college, or junior college in the state.

(b) Any person who qualifies for residence status under subdivision (a) of this section or under Sections 243 and 244 of the Government Code shall not lose such residence status by virtue of his marriage to a nonresident who lives in California nor shall such person be required to reestablish residency upon reaching his or her majority.

(c) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend the state college has lived with his mother, who is living apart from his father, and has been for a period of more than one year immediately preceding the opening day of the semester present in the state with the intention of making her permanent home therein, is a resident student.

(d) Any person whose residence is derived from a parent and who loses California residence by reason of a change of residence by such parent, shall be considered a resident student for tuition purposes for a period of one year following such change of residence by his parent, provided that such parent was a bona fide resident of California for at least one year immediately preceding such change of residence from California.

(e) Any minor child who has been a bona fide resident of the state for more than 10 years immediately preceding the opening day of a semester during which he proposes to attend the state college shall be deemed a "resident student" notwithstanding the place of abode or residence of either living parent or guardian of the minor child. Except as otherwise

provided in this subdivision, the residence of the minor child shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government 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:

Since the opening date of the 1965 fall semester of the state colleges precedes the date upon which legislation enacted at the 1965 Regular Session of the Legislature would normally take effect, and since the governing statutes generally determine residency as of the semester's opening date, it is necessary for this act to take effect immediately so that the students affected thereby may be governed by its provisions during the 1965 fall semester.

CHAPTER 2043

An act to be known as the "District Reorganization Act of 1965," relating to governmental units known as districts, providing for a uniform procedure for the initiation, conduct and completion of proceedings for annexations, detachments, dissolutions and consolidations made by or with respect to districts, mergers of certain districts with cities, establishment of certain districts as subsidiary districts of cities and reorganization of two or more districts (including, as a part thereof, the formation of new districts), and for review by local agency formation commissions of proposals for any of the foregoing proceedings; and in this connection:

to add Division 1 (commencing with Section 56000) to Title 6 of the Government Code;

to amend and renumber Division 1 (commencing with Section 58000) and Division 2 (commencing with Section 61000) of Title 6 of the Government Code;

to repeal Article 5 (commencing with Section 27701) of Chapter 4 of Division 20 of Part 4, and Sections 27759, 27760, and 27761 of the Education Code;

to repeal the following sections, articles, and chapters of the Government Code:

Section 53064; Chapter 10 (commencing with Section 54970) of Part 1, Division 2, Title 5; Article 8 (commencing with Section 58230), Article 85 (commencing with Section 58250), and Article 9 (commencing with Section 58260) of Chapter 1, Division 1, Title 6; Sections 58300 to 58308, inclusive; Chapter 4 (commencing with Section 58950) of Division 1, Title 6; Sections 61802 to 61830, inclusive; and Chapter 2 (commencing with Section 61850), Chapter 3 (commencing with Section 61890), Chapter 4 (commencing with Section 61900) and Chapter 5 (commencing with Section 61930) of Part 7, Division 2, Title 6;

to repeal Sections 6111 and 7281 to 7292, inclusive, and Article 2 (commencing with Section 7300) and Article 3 (commencing with Section 7320) of Chapter 8, Part 7 of the Harbors and Navigation Code;

to repeal Article 4 (commencing with Section 1230) and Article 5 (commencing with Section 1250) of Chapter 1, Division 6 of the Military and Veterans Code;

to repeal the following sections, articles and chapters of the Health and Safety Code: Sections 2331 to 2333, inclusive, 2333.5, 2333.6, 2334 to 2343, inclusive; Article 6.5 (commencing with Section 2350) of Chapter 5, Division 3; Sections 2361, 2362, 2367 to 2375, inclusive; Article 8 (commencing with Section 2390) and Article 9 (commencing with Section 2400) of Chapter 5, Division 3; Sections 2901 and 2911; Article 6 (commencing with Section 2920) and Article 7 (commencing with Section 2930) of Chapter 8, Division 3; Sections 4136 to 4139, inclusive; Article 6 (commencing with Section 4143), Article 7 (commencing with Section 4160), and Article 8 (commencing with Section 4165) of Chapter 1, Part 2, Division 5; Sections 4188 to 4193, inclusive; Article 8 (commencing with Section 4194) of Chapter 1.5, Part 2, Division 5; Article 2.5 (commencing with Section 4720) of Chapter 3, Part 3, Division 5; Sections 4831.7, 4832, 4834, 4845.05 to 4845.09, inclusive, 4845.1, 4845.12, and 4845.13; Article 8b (commencing with Section 4845.20), Article 9 (commencing with Section 4850), and Article 10 (commencing with Section 4857) of Chapter 3, Part 3, Division 5; Article 4 (commencing with Section 6625) of Chapter 5, Part 1, Division 6; Article 2 (commencing with Section 6660) of Chapter 6, Part 1, Division 6; Article 2 (commencing with Section 6840), Article 3 (commencing with Section 6870), and Article 4 (commencing with Section 6885) of Chapter 9, Part 1, Division 6; Chapter 9.5 (commencing with Section 6890), Chapter 10 (commencing with Section 6900) and Chapter 11 (commencing with Section 6910) of Part 1, Division 6; Sections 9026 and 9027; Article 2 (commencing with Section 9050) of Chapter 9, and Chapter 10 (commencing with Section 9075), of Part 4, Division 8; Sections 13945, 13946, 13947, 13949, 13955, 13956, 13957, 13959 and 13960;

Chapter 10 (commencing with Section 13965) of Part 2.7, Division 12; Sections 14211, 14213, 14214, 14215, 14215.5, 14216, 14217, 14220 and 14222, Article 8.5 (commencing with Section 14225), Article 9 (commencing with Section 14231), and Article 10 (commencing with Section 14251) of Chapter 1, Part 3, Division 12; Sections 14511 to 14516, inclusive; Article 10 (commencing with Section 14525),, Article 12 (commencing with Section 14560), and Article 13 (commencing with Section 14580), of Chapter 2, Part 3, Division 12; Sections 14605 and 14721 to 14728, inclusive; Article 8 (commencing with Section 14735), Article 8.5 (commencing with Section 14751), Article 9 (commencing with Section

14760), and Article 10 (commencing with Section 14775) of Chapter 3, Part 3, Division 12; Chapter 5 (commencing with Section 14820) of Part 3, Division 12; Sections 20051 to 20057, inclusive; Article 4.5 (commencing with Section 20120) and Article 5 (commencing with Section 20130) of Chapter 1, Part 1, Division 14; Article 4 (commencing with Section 20340) and Article 5 (commencing with Section 20350) of Chapter 2, Part 1, Division 14; Sections 32004, 32004.1, 32004.3 to 32004.9, inclusive, 32004.91, 32004.92, 32005, 32005.5, and 32006 to 32011, inclusive; and Chapter 5 (commencing with Section 32400) and Chapter 6 (commencing with Section 32490) Division 23;

to repeal Sections 5573 to 5589, inclusive; Article 7 (commencing with Section 5785), Article 8 (commencing with Section 5786), and Article 9 (commencing with Section 5787) of Chapter 4, Division 5; and Chapter 12 (commencing with Section 13210) of Division 11 of the Public Resources Code;

to repeal the following sections, articles, article headings, and chapters of the Public Utilities Code:

Article 3.5 (commencing with Section 13870) and Article 7 (commencing with Section 13951), of Chapter 9, Division 6; the article heading of Article 1 (commencing with Section 14051) of Chapter 10, Division 6; Sections 14053 to 14056, inclusive; Article 2 (commencing with Section 14081), Article 3 (commencing with Section 14111), Article 4 (commencing with Section 14141), Article 5 (commencing with Section 14161), Article 6 (commencing with Section 14191), and Article 7 (commencing with Section 14211) of Chapter 10, Division 6; Sections 14352 to 14359, inclusive; Chapter 12 (commencing with Section 14501), Division 6; Sections 17302 to 17332, inclusive, 17380, and 17382; the article heading of Article 1 (commencing with Section 17501) of Chapter 9, Division 7; Sections 17502 to 17510, inclusive; Article 2 (commencing with Section 17531) of Chapter 9, Division 7; Chapter 10 (commencing with Section 17701) of Division 7; Chapter 7 (commencing with Section 22951) and Chapter 8 (commencing with Section 22975) of Part 2, Division 9;

to repeal the following sections, articles, article headings and chapters of the Water Code:

Chapter 1 (commencing with Section 26700) of Part 11, Division 11; Sections 26876 to 26885, inclusive; Article 2 (commencing with Section 26900), Article 3 (commencing with Section 26930), Article 4 (commencing with Section 26965), Article 5 (commencing with Section 26985), and Article 6 (commencing with Section 26995) of Chapter 2, Part 11, Division 11; Chapter 2.5 (commencing with Section 27050) of Part 11, Division 11; Chapter 3 (commencing with Section 27150), Chapter 4 (commencing with Section 27400), Chapter 5 (commencing with Section 27700), and

Chapter 6 (commencing with Section 28000), of Part 11, Division 11; Chapter 4 (commencing with Section 30090) of Part 1, Division 12; Sections 31183 to 31187, inclusive; the article heading of Article 1 (commencing with Section 32200) of Chapter 1, Part 8, Division 12; Sections 32201 to 32205, inclusive; Article 2 (commencing with Section 32220), Article 3 (commencing with Section 32240), and Article 4 (commencing with Section 32300) of Chapter 1, Part 8, Division 12; the article heading of Article 1 (commencing with Section 32400) of Chapter 2, Part 8, Division 12; Sections 32401 to 32406, inclusive; Article 2 (commencing with Section 32420), Article 3 (commencing with Section 32440), Article 4 (commencing with Section 32470), and Article 5 (commencing with Section 32490) of Chapter 2, Part 8, Division 12; Sections 32500, 32501 and 32503; Article 2 (commencing with Section 32510), Article 3 (commencing with Section 32520), Article 4 (commencing with Section 32530), Article 5 (commencing with Section 32540), Article 6 (commencing with Section 32550) and Article 7 (commencing with Section 32560) of Chapter 2.5, Part 8, Division 12; Chapter 3 (commencing with Section 32650), and Chapter 4 (commencing with Section 32850) of Part 8, Division 12; Chapter 4 (commencing with Section 34075) of Part 1, Division 13; Sections 37301 to 37306, inclusive; Article 2 (commencing with Section 37325, Article 3 (commencing with Section 37350), and Article 4 (commencing with Section 37370) of Chapter 1, Part 8, Division 13; Sections 37486 to 37494, inclusive; Article 2 (commencing with Section 37505), Article 3 (commencing with Section 37530), Article 4 (commencing with Section 37545), and Article 5 (commencing with Section 37560) of Chapter 2, Part 8, Division 13; Chapter 2.4 (commencing with Section 37590) of Part 8, Division 13; Chapter 2.5 (commencing with Section 37600), Chapter 3 (commencing with Section 37650), and Chapter 4 (commencing with Section 37700) of Part 8, Division 13; Sections 53501, 53502, 53505, 53506, and 53507; Article 1 (commencing with Section 53600) and Article 2 (commencing with Section 53620) of Chapter 2, Part 10, Division 15; Sections 53661 to 53678, inclusive; Chapter 3 (commencing with Section 53700) of Part 10, Division 15; the article heading of Article 1 (commencing with Section 55800) of Chapter 1, Part 5, Division 16; Sections 55802 to 55806, inclusive; Article 2 (commencing with Section 55820), Article 3 (commencing with Section 55840), and Article 4 (commencing with Section 55860) of Chapter 1, Part 5, Division 16; Chapter 2 (commencing with Section 55880), Chapter 2.5 (commencing with Section 55895), Chapter 2.6 (commencing with Section 55905), Chapter 3 (commencing with Section 55910), Chapter 3.5 (commencing with Section 55920), Chapter 4 (commencing with Section 55930), and Chapter 5 (commencing with Section 55960)

of Part 5, Division 16; Sections 56131 and 56132; Chapter 10 (commencing with Section 56140) of Part 1, Division 17; Chapter 9 (commencing with Section 70280) of Part 1, Division 19; Section 71033; Article 2 (commencing with Section 72160), Article 3 (commencing with Section 72180), Article 4 (commencing with Section 72190) and Article 5 (commencing with Section 72200) of Chapter 1, Part 10, Division 20; Chapter 2 (commencing with Section 72220) of Part 10, Division 20; Article 2 (commencing with Section 72310), Article 3 (commencing with Section 72330), Article 4 (commencing with Section 72340), and Article 5 (commencing with Section 72350) of Chapter 4, Part 10, Division 20; Chapter 5 (commencing with Section 72370), Chapter 5.5 (commencing with Section 72540), Chapter 6 (commencing with Section 72550), and Chapter 7 (commencing with Section 72630) of Part 10, Division 20;

to repeal the following general and special law sections: Sections 206 and 207 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959);

Sections 221 to 227, inclusive, of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session);

Sections 206 to 212, inclusive, of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session);

Sections 206 to 212, inclusive, of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session);

Section 102 and Sections 111 to 116, inclusive, of the Cuyamaca Recreation and Park District Act (Chapter 1654 of the Statutes of 1961);

Sections 20a and 20½ of Chapter 158 of the Statutes of 1885;

Sections 64 to 70, inclusive, 73 to 86, inclusive, and 99 to 106, inclusive, of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903);

Section 54 of the San Diego Unified Port District Act (Chapter 67, Statutes of 1962, First Extraordinary Session);

Section 14 of Chapter 63 of the Statutes of 1880;

Sections 26 to 34, inclusive, of Chapter 310 of the Statutes of 1905;

Sections 62 to 68, inclusive, 71 to 73, inclusive, and 75 to 84, inclusive, of Chapter 25 of the Statutes of 1907;

Sections 75.1 to 75.4, inclusive, 76 and 78 of the Citrous Pest District Control Act (Chapter 89 of the Statutes of 1939);

Sections 27 and 28 of the Storm Water District Act of 1909 (Chapter 222 of the Statutes of 1909);

Sections 40, 41, 43, to 52, inclusive, and 60 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923);

to amend Section 58001 of the Government Code;
to amend Section 6110 of the Harbors and Navigation Code;
to amend Sections 2360, 2900, 2910, 4187, 4830, 4831, 4831.5, 4832.5, 6830, 9025, 13948, 13950, 13951, 13952, 13953, 13958; the heading of Article 8 (commencing with Section 14218) of Chapter 1, Part 3, Division 12; Sections 14510, 14540, 14541, 32001, and 32002 of the Health and Safety Code;
to amend Sections 5572 and 5780.7 of the Public Resources Code;
to amend Sections 13801, 13802, 13821, 13886, 13912, 14051, 14351, 14381, 17301, 17362, 17368, 17371, 17378, 17379, 17501, and 22006 of the Public Utilities Code;
to amend Sections 31182, 32200, 32502, 37300, 53500, 53504, 53660, 56130, 71036 and 72301 of the Water Code;
to amend the following general and special law sections and article headings:
Section 24 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941);
Section 200 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951);
Section 220 of the Montalvo Municipal Improvement District Act (Chapter 549 of the Statutes of 1955);
Section 205 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959);
Section 220 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session);
Section 205 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session);
Section 205 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session);
the heading of Article 7 (commencing with Section 110) and Section 110 of the Lake Cuyamaca Recreation and Park District Act (Chapter 1654 of the Statutes of 1961);
Section 74 of Chapter 25 of the Statutes of 1907;
Section 75 of the Citrous Pest District Control Act (Chapter 89 of the Statutes of 1939);
Section 42 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923);
Section 3 of Chapter 380 of the Statutes of 1959;
Section 1 of Chapter 1019 of the Statutes of 1953;
to amend and renumber Section 58309 of the Government Code and Section 4845.11 of the Health and Safety Code;
to add Article 7 (commencing with Section 5785) to Chapter 4 of Division 5 of the Public Resources Code;
to add Sections 13803, 13804, 14382, 17370.1, 17370.2, and 17380 to the Public Utilities Code;
to add Sections 53508 and 53602 to the Water Code;
to add Section 20b to Chapter 158 of the Statutes of 1885; and

to add Section 63.1 to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903).

[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 1 (commencing with Section 58000) of Title 6 of the Government Code is amended and renumbered to read:

DIVISION 2. GENERAL

SEC. 1.5. The heading of Division 2 (commencing with Section 61000) of Title 6 of said code is amended and renumbered to read:

DIVISION 3. COMMUNITY SERVICES DISTRICTS

SEC. 2. Division 1 (commencing with Section 56000) is added to Title 6 of said code, to read:

DIVISION 1. DISTRICT REORGANIZATION ACT OF 1965

PART 1. GENERAL

CHAPTER 1. INTRODUCTORY PROVISIONS

56000. This division may be cited as the District Reorganization Act of 1965.

56001. This division shall provide the sole and exclusive authority and procedure for the initiation, conduct and completion of changes of organization and reorganization. On and after the effective date of this division, all changes of organization and reorganizations shall be initiated, conducted and completed in accordance with and as provided in this division.

56002. Notwithstanding Section 56001, this division shall not apply to any proceeding for a change of organization which shall be pending on the effective date of this division. Any such pending proceedings may be continued and completed under and in accordance with any provisions of law other than this division. The repeals, amendments and additions made by the act enacting this division shall not apply to any such pending proceedings and the laws existing prior to the effective date of such act shall continue in full force and effect, as applied to any such pending proceedings.

56003. Within the meaning of Section 56002, a proceeding for a change of organization shall be deemed pending on the effective date of this division if prior thereto such proceedings shall have been initiated, in accordance with the provisions of the principal act, by the filing of a sufficient petition request-

ing a change of organization or the adoption by a legislative body of an ordinance, resolution or order initiating proceedings for a change of organization.

56003.1. This division shall not apply to the incorporation of cities, the annexation or detachment of territory to or from cities, minor changes of city boundaries or the consolidation or dissolution of cities.

56003.2. If any fire protection district or fire district shall be organized under Part 2.7 (commencing with Section 13801) of Division 12 of the Health and Safety Code, Chapter 1 (commencing with Section 14001) of Part 3, said Division 12, Chapter 2 (commencing with Section 14400) of Part 3, said Division 12, or Chapter 3 (commencing with Section 14600) of Part 3, said Division 12, the foregoing laws shall provide an additional and alternative authority and procedure for the initiation, conduct and completion of annexations or detachments of territory to or from any such district or for the dissolution thereof. When a proceeding for an annexation, detachment or dissolution is made pursuant to any of the foregoing laws, only the provisions of such laws shall be applicable to the initiation, conduct and completion of such proceedings, and this division shall not apply thereto.

56004. It shall not be necessary for the principal act of any district to adopt or incorporate this division by reference and any change of organization or reorganization provided for by this division is authorized to be made by or with respect to any district. Except as otherwise provided in this division, in any change of organization or reorganization the principal act shall govern as to any provisions therein pertaining to boundaries, to contiguity or noncontiguity of territory, to the incorporated or unincorporated status of territory and to the overlapping of territory of a district with the territory of another district or city. Unless otherwise provided by the principal act, any territory annexed to a district shall be contiguous thereto and shall not be a part of another district formed under the same principal act without the consent of such other district.

56005. Where the principal act of any parent district provides that the boundaries of the parent district shall be automatically or concurrently changed to conform to a change in the boundaries of a member district, the boundaries of said parent district shall be deemed to be automatically or concurrently changed, in accordance with the provisions of the principal acts of any such parent district, upon completion of a change of organization or a reorganization changing the boundaries of said member district.

56006. This division shall be liberally construed to effectuate its purposes. No change of organization or reorganization ordered under this division shall be invalidated by any defect, error, irregularity or omission in any act, determination or procedure which does not adversely and substantially affect the rights of any person, city, county, district, the state or any agency or subdivision of the state. All determinations made by

a commission or by any legislative body under and pursuant to the provisions of this division shall be final and conclusive in the absence of fraud or prejudicial abuse of discretion. In any action or proceeding to review any quasi-judicial determination made by a commission or by a legislative body the sole inquiry shall be whether there was fraud or prejudicial abuse of discretion. Prejudicial abuse of discretion shall be established if the court finds that any determination of a commission or a legislative body was not supported by substantial evidence in light of the whole record.

56007. Any protest or objection pertaining to the regularity or sufficiency of any proceedings or preliminary proceedings must be in writing, clearly specify the defect, error, irregularity or omission to which protest or objection is made and must be filed within the time and in the manner provided by this division. Any such protest or objection not so made and filed shall be deemed voluntarily waived.

56008. An action to determine the validity of a change of organization or a reorganization may be brought pursuant to Chapter 9 (commencing at Section 860) of Title 10, Part 2 of the Code of Civil Procedure.

56009. For the purpose of any action to determine or contest the validity of any change of organization or reorganization, such change of organization or reorganization shall be deemed to be completed and in existence upon the date of filing with the Secretary of State of the certificate of completion.

56010. No change of organization or reorganization, or any term or condition thereof, shall impair the rights of any bondholder or other creditor of any city or district. Notwithstanding any provision of this division, or of any change of organization or reorganization, or any term or condition thereof, each and every bondholder or other creditor may enforce all his rights in the same manner and to the same extent as if such change of organization, reorganization, term or condition had not been made. Any such rights may also be enforced against agencies, and their respective officers, as follows:

(a) Annexation or detachment: against the district to or from which territory is annexed or detached.

(b) Dissolution: against the successor city, county or district or against any city, county or district receiving distribution of all or any part of the remaining assets of a dissolved district.

(c) Consolidation: against the consolidated district.

(d) Merger: against the city.

(e) Establishment of a subsidiary district: against the district and the city council as ex officio the board of directors of such district.

(f) Reorganization: against the city, county or district, as the case may be, for any of the above enumerated changes of organization which may be included in the particular reorganization.

56010.1. The provisions of Section 56470, and any term and condition provided or made pursuant thereto, shall be enforceable by, between, among and against any public agency or agencies designated in any such term and condition, but shall not constitute or be given effect as a limitation upon the power of any bondholder or other creditor to enforce his rights (particularly any rights provided for by Articles 2 (commencing with Section 56480) to 7 (commencing with Section 56550), inclusive, of Chapter 9, Part 5 of this division), as if said Section 56470 had not been enacted or said term and condition had not been made or provided pursuant thereto.

56011. If any provision of this division, or the application thereof in any circumstance or to any person, city, county, district, the state, or any agency or subdivision of the state, is held invalid, the remainder of this division or the application thereof in other circumstances or to other persons, cities, counties, districts, the state, or any agencies or subdivisions of the state shall not be affected thereby.

56012. If a proposed change of organization or a reorganization shall apply to two or more affected counties, for the purpose of this division, exclusive jurisdiction shall be vested in the officers of the principal county. Any notices, proceedings, orders or any other acts authorized or required to be given, taken or made by the commission, board of supervisors, clerk of a county or any other officer of a county, shall be given, taken or made by the persons holding such offices in the principal county. Any officer of a county other than the principal county shall cooperate with the officers of the principal county and shall furnish the officers of the principal county with such certificates, records or certified copies of records as may be necessary to enable the officers of the principal county to comply with this division.

56013. If any reorganization shall provide for the formation of any new district or districts, such district or districts shall be deemed to have been formed upon compliance with the procedure and provisions of this division relating to reorganization If the terms and conditions of any change of organization or reorganization provide for the formation of an improvement district or for the annexation or detachment of territory to or from an existing improvement district, such formation, annexation or detachment shall be deemed to have been completed upon compliance with the procedure and provisions of this division relating to change of organization or reorganization. No further or separate proceedings need be taken for the formation of any such district or improvement district or for the annexation or detachment of territory to or from the existing improvement district. To that extent only, the provisions of this division shall govern and provide the exclusive procedure for the formation of any such new districts or improvement districts or for the annexation or detachment of territory to or from existing improvement districts and the provisions of the principal act relating to the

formation of such districts or improvement districts or for the annexation or detachment of territory to or from existing improvement districts shall have no application thereto.

56014. Upon request by the executive officer or the clerk of any county or district, the assessor of any city, county or district shall furnish estimated assessed valuations, determined by the same methods and valuations used in preparing the last equalized assessment roll, in the following cases:

(a) Where real property is owned by a public agency and no assessed value for such real property is shown on said roll;

(b) Where a single assessment parcel shown on the last equalized assessment roll:

(1) Has been split into two or more parcels by reason of the sale or conveyance of any portion of the original assessment parcel, or

(2) Overlaps two or more counties, cities, districts, or election precincts, or any combination thereof.

Any such estimates shall be conclusively presumed to be assessed values for the purpose of this division but shall be given no force or effect for other purposes.

56015. If the legislative body of any of the districts, agencies or authorities enumerated in subdivision (m) of Section 56039 desires a determination by the commission that such district, agency or authority is not a "district" within the meaning of this division, such legislative body, prior to the adoption of any ordinance, resolution or order proposing, declaring an intention or initiating proceedings to make a change of organization, shall make application to the commission of the principal county describing the proposed change of organization and requesting such a determination. Any such application shall be filed with the executive officer and shall be presented to the commission not later than its next regular meeting. The executive officer shall give the legislative body filing any such application mailed notice of the time and place at which such application will be presented to the commission. No other notice is required to be given, provided, that the commission, prior to making its findings and determinations, may order the executive officer to give notice of the filing and presentation of such application by publication or by mailing to other affected counties, cities and districts, or by both.

56016. Upon presentation of any application filed pursuant to Section 56015, the commission shall determine that the applicant district, agency or authority is not a "district," if the commission shall find that such applicant is not engaged:

(a) In the distribution and sale for any purpose, other than for the purpose of resale, of water or of gas or electricity for light, heat or power;

(b) In furnishing sanitary sewer service or garbage and refuse collection service to the ultimate users thereof;

(c) In providing fire or police protection; or

(d) In the acquisition, construction, maintenance, lighting or operation of streets and highways, street and highway im-

provements or park and recreation facilities, except as an incident to the exercise of other lawful powers of the applicant.

"Ultimate user" means any user or consumer other than the state, the United States, a city, a county or a district, any agency, department or office of any thereof, or a public utility.

If the commission shall determine that any applicant district, agency or authority enumerated in subdivision (m) of Section 56039 is not a "district," then none of the provisions of this division shall apply to the change of organization described in the application and proceedings for such change of organization shall be taken under and pursuant to the principal act. If no application is made to the commission, or if the commission in passing upon an application fails to determine that the applicant is not a "district," then this division shall provide the sole and exclusive authority for the initiation, conduct and completion for a change of organization by any such district, agency or authority and, to the extent of any inconsistency between the provisions of this division and those of the principal act of the applicant, the provisions of this division shall control.

56017. Where a public utility has been granted a certificate of public convenience and necessity authorizing and requiring it to furnish gas or electric service within a certain service area and, as a result of a change of organization or reorganization, territory consisting of all or any part of such service area becomes a part of or is formed into a district authorized by its principal act to furnish gas or electric service, said district shall not furnish any such service within said territory except upon approval thereof (i) by the commission after receipt and consideration of the report of the Public Utilities Commission, made as provided in Section 56019 and (ii) by the voters within such territory, given as provided in Section 56018. If both such approvals shall be given, upon assumption of service by the district the public utility may at any time thereafter withdraw service within said territory, unless otherwise ordered by the Public Utilities Commission. As used in Sections 56017 to 56019, inclusive, "gas or electric service" means the distribution and sale for any purpose, other than for the purpose of resale, of gas or electricity for light, heat or power.

56018. Voter approval within said territory, as required by Section 56017, shall be given at an election. The question submitted at any such election shall identify the district, designate the kind of service to be furnished, identify the territory within which such service is proposed to be furnished, and state the name of the public utility presently authorized to furnish such service within said territory.

The district shall not furnish such service within said territory unless the question of furnishing such service shall have been submitted to the voters at an election called, held and conducted within such territory and a majority of the votes cast upon such question are in favor of such service. The board of

supervisors or the legislative body of the conducting district may submit such question at the election called upon the question of confirmation of an order of change of organization or reorganization, or the board of directors of the district may submit the question of such service at a special election called after completion of the proceedings for such change of organization or reorganization. The question of such service shall be submitted as a separate proposition at any election within such territory and shall be voted upon only by qualified voters within said territory. If such question shall be defeated at any such election, for one year thereafter no petition requesting such service may be filed and no new election called upon such question.

56019. The executive officer shall file with the Public Utilities Commission a certified copy of any proposal for a change of organization or a reorganization which provides, as a part thereof, that gas or electric service be furnished by a district within any of the territory affected by such proposed change of organization or reorganization; said certified copy need not contain any signatures where the proposal is by petition. After any such change of organization or reorganization shall have been ordered, the clerk of the district shall file with the Public Utilities Commission a certified copy of any ordinance, resolution or order made by the board of directors of a district proposing to furnish gas or electric service within such territory.

After any such filing, the Public Utilities Commission shall cause an investigation to be made and may conduct such hearings in connection therewith as it considers desirable. Upon completion thereof and not later than 90 days after the date of such filing, the Public Utilities Commission shall make a report to the commission stating whether, in the opinion of the Public Utilities Commission, the proposed service by the district within said territory will substantially impair the ability of the public utility to provide adequate service at reasonable rates within the remainder of the service area of such public utility.

The secretary of the Public Utilities Commission shall immediately file a certified copy of such report with the executive officer.

CHAPTER 2. DEFINITIONS

56020. Unless the provision or context otherwise requires, the definitions contained in this chapter govern the construction of this division. The definition of a word applies to any of such word's variants.

56021. "Affected city" means each city which contains or would contain any territory for which a change of organization is proposed or ordered or which contains all or any part of a district for which a change of organization is proposed or ordered with respect to territory outside such city.

56022. "Affected county" means each county which contains or would contain any territory for which a change of organization is proposed or ordered or which contains all or any part of a district for which a change of organization is proposed or ordered with respect to territory outside such county.

56023. "Affected district" means each district which contains or would contain territory for which a change of organization is proposed or ordered.

56024. "Annexation" means the annexation, inclusion, attachment or addition of territory to a district.

56025. "Benefit district" means a district containing lands which are, or will be, benefited by their inclusion within such district, the owners of such lands being entitled, under the laws or Constitutions of the state or the United States, to notice and hearing prior to the inclusion of such lands within the district.

56026. "Board of directors" means the legislative body or governing board of a district.

56027. "Board of supervisors" means the board of supervisors of a county.

56028. "Change of organization" means an annexation or detachment of territory to or from a district, a minor boundary change, the dissolution or consolidation of any district or districts, a merger or the establishment of a subsidiary district, and, in the case of a reorganization, also includes formations

56029. "Chief petitioners" means any persons designated in a petition for the purpose of receiving any notice authorized or required to be given to the chief petitioners.

56030. "City" means any chartered or general law city.

56031. "City council" means the legislative body or governing board of a city.

56032. "Clerk" means the clerk or secretary of a county, city or district, or the legislative body thereof. Where the office of county clerk is separate from the office of the clerk of the board of supervisors, "clerk" means the clerk of the board of supervisors. Where the office of county clerk is separate from the office of the registrar of voters, "clerk" means the registrar of voters with respect to all duties pertaining to the conduct of elections and the county clerk with respect to all other duties.

56033. "Commission" means a local agency formation commission created pursuant to Chapter 6.6 (commencing with Section 54775) of Part 1, Division 2, Title 5.

56034. "Conducting district" means a district whose board of directors is empowered to conduct a proceeding for an annexation, detachment or minor boundary change pertaining to that district.

56035. "Consolidation" means the uniting or joining of two or more districts into a single new successor district, all such districts having been or being formed pursuant to the same principal act.

56037. "Detachment" means the detachment, deannexation, exclusion, deletion or removal from a district of any portion of the territory of such district.

56038. "Dissolution" means the dissolution, disincorporation, extinguishment and termination of the existence of a district and the cessation of all its corporate powers, except for the purpose of winding up the affairs of said district.

56039. "District" means an 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 exclude the following:

(a) The state;

(b) A county;

(c) A city, except for the provisions of this division pertaining to a merger or the establishment of a subsidiary district;

(d) A school district;

(e) A unified or union high school library district;

(f) A special assessment district;

(g) An improvement district;

(h) A soil conservation district;

(i) An air pollution control district;

(j) A bridge and highway district or a joint highway district;

(k) A transit or rapid transit district or authority;

(*l*) A metropolitan water district;

(m) A flood control district, a flood control and floodwater conservation district, a flood control and water conservation district, a conservation district, a water conservation district, a water replenishment district, the Orange County Water District, a California water storage district, a water agency, a county water authority or a water authority, provided, that the commission of the principal county shall determine, in accordance with Sections 56015 and 56016 inclusive, that any district, agency or authority enumerated in this subdivision (m) is not a "district" within the meaning of this division;

(n) A county service area.

56040. "District of limited powers" means an airport district, community services district, municipal utility district, public utilities district, fire protection district, harbor district, port district, recreational harbor district, small craft harbor district, resort improvement district, library district, local hospital district, local health district, municipal improvement district formed pursuant to any special act, police protection district, recreation and park district, garbage disposal district, garbage and refuse disposal district, sanitary district, county sanitation district, public cemetery district, California water district, county water district, county waterworks district or irrigation district.

56041. "Executive officer" means the executive officer appointed by a commission or, if none has been appointed, then

the county officer acting as the executive officer for the commission.

56042. "Formation" means the formation, incorporation, organization or creation of a district.

56043. "Improvement district" means a district, area 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.

56044. "Include," except when used in relation to the inclusion of land, does not necessarily exclude matters not enumerated.

56045. "Inhabited territory" means territory within which there reside 12 or more persons who have been registered to vote within such territory for at least 54 days prior to the date of initiation of preliminary proceedings or who were so registered at any time within the year preceding such date.

56046. "Landowner" or "owner of land" means: any person shown as the owner of land on the last equalized assessment roll; where such person is no longer the owner, then any person entitled to be shown as owner of land on the next assessment roll; where land is subject to a recorded written agreement of sale, any person shown therein as purchaser; and any public agency owning land.

56047. "Landowner-voter" means any person entitled to vote in a landowner-voter district, or the legal representative of such person or, in the case of an election, the proxy of such person.

56048. "Landowner-voter district" means a district whose principal act provides that owners of land within the district are entitled to vote upon the election of district officers, the incurring of bonded indebtedness or any other district matter.

56049. "Last equalized assessment roll" means the last equalized assessment roll or book used by a county, city or a district for the purpose of the annual levy and collection of any taxes or assessments imposed by said county, city or district.

56050. "Legal representative" means: an officer of a corporation duly authorized, by the bylaws or a resolution of the board of directors of such corporation, to sign for and on behalf of the corporation; and a guardian, executor, administrator or other person holding property in a trust capacity under appointment of court, when authorized by an order of court, which order may be made without notice.

56051. "Legislative body" means the legislative body or governing board of a county, city or district.

56052. "Major district" has the meaning set forth in Section 56442.

56053. "Mandatory petition" means a petition which upon its filing and certification, imposes a mandatory duty upon the commission to hold a hearing and make determinations with respect to the proposal contained in such petition.

56053.1. "Member district" means any district which is included, in whole or in part, within another district or any of the entities enumerated in subdivisions (*l*) and (m) of Section 56039, all or any part of such first-mentioned district being entitled, under the provisions of the principal act of any such second-mentioned district or entity, to receive or be furnished with any governmental or proprietary service or commodity by such second-mentioned district or entity.

56054. "Merger" means the extinguishment, termination and cessation of the existence of a district of limited powers by the merger of such district with a city as a result of proceedings taken pursuant to this division.

56055. "Minor district" has the meaning set forth in Section 56442.

56056. "Minor boundary change" means an annexation or detachment, or both, making an alteration or relocation of the boundary of a district resulting in not more than one acre of land being annexed to or detached from such district.

56056.1. "Next assessment roll" means the next assessment roll or book to be equalized and used by a county, city or a district for the purpose of the annual levy and collection of any taxes or assessments imposed by said city, county or district.

56057. "Nonbenefit district" means a district, within which the landowners are not entitled, under the laws or Constitutions of the state or the United States, to notice and hearing prior to the inclusion of their lands within the district.

56058. "Notice" means any ordinance, resolution, order, notice or other matter authorized or required by this division to be published, posted or mailed.

56059. "Overlap" or "overlapping territory" means territory which is included within the boundaries of two or more districts or within one or more districts and a city.

56059.1. "Parent district" means any district or any of the entities enumerated in subdivisions (*l*) and (m) of Section 56039 which shall include all or any part of another district, said first-mentioned district or entity being obligated, under the provisions of the principal acts of any such first-mentioned district or entity, to provide and furnish any governmental or proprietary service or commodity to said second-mentioned district.

56060. "Permissive petition" means a petition which, upon its filing and certification, the commission has the discretionary power to deny without notice and hearing.

56061. "Plan of reorganization" means a plan or program for effecting a reorganization, such plan or program containing a description of all changes of organization included in the reorganization and setting forth all terms, conditions and matters necessary or incidental to the effectuation of such reorganization.

56062. "Preliminary proceedings" means proceedings which are taken pursuant to Parts 2 (commencing with Section 56130), 3 (commencing with Section 56210) and 4 (commencing with Section 56250) of this division.

56063. "Principal act" means, in the case of a district, the law under which the district was formed and, in the case of a city, the general laws or a charter, as the case may be.

56064. "Principal county" shall have the meaning contained in any definition of "principal county," as set forth in the principal act. If the principal act shall have no such definition or if there is any inconsistency between the definitions contained in two or more applicable principal acts, "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 county or counties, of all taxable property within a district or districts for which a change of organization is proposed.

56065. "Proceeding" or "proceeding for a change of organization" means a proceeding for a change of organization pursuant to Part 5 (commencing with Section 56290) of this division.

56066 "Proposal" means a request or statement of intention made by petition or by resolution of application of a legislative body proposing proceedings for the change of organization or reorganization described therein.

56067. "Registered voter" means any elector registered under and pursuant to the Elections Code.

56068. "Reorganization" means one or more changes of organization proposed for each of two or more subject districts, including cities, landowner-voter districts or resident-voter districts, the formation of one or more new districts or any combination thereof, all such changes of organization and formations being pursuant to a single plan of reorganization.

56069. "Resident-voter" means any registered voter entitled to vote in a city or a resident-voter district.

56070. "Resident-voter district" means a district whose principal act provides that registered voters residing within the district are entitled to vote for the election of district officers, incurring of bonded indebtedness, or any other district matter.

56071. "Special assessment district" means an area fixed, established and formed by a city, county, district or the state, pursuant to general law, special act or charter, such area being specially benefited by and assessed or to be assessed to pay the costs and expenses of acquiring any lands or rights-of-way, acquiring or constructing any public improvements, maintaining or operating any public improvement or lighting any public street, highway or place.

56072. "Subject district" means each district or city for which a change of organization is proposed or provided in a reorganization or plan of reorganization.

56073. "Subsidiary district" means a district of limited powers in which the city council of a city shall be designated as, and empowered to act as, ex officio the board of directors of such district.

56074. "Uninhabited territory" means territory within which there reside less than 12 persons who have been registered to vote within such territory for at least 54 days prior to the date of initiation of preliminary proceedings or who were so registered at any time within the year preceding such date.

56075. "Voter" means a landowner-voter, a resident-voter or a registered voter, as the case may be.

CHAPTER 3. NOTICE

56080. Notice authorized or required to be given by publication, posting or mailing shall be given by the clerk or executive officer and shall contain all matters required by any particular provision of this division. If any ordinance, resolution or order of any legislative body or the commission gives notice and contains all matters required to be contained in any notice, the clerk or executive officer may cause a copy of such ordinance, resolution or order to be published, posted or mailed, in which case no other notice need be given by the clerk or executive officer.

56081. Unless the provision or context otherwise requires, whenever any provision of this division requires notice to be published, posted or mailed, it shall be published, posted or mailed as provided in this chapter.

56082. Whenever any notice is required to be given and the duty of giving such notice is not specifically enjoined upon some officer, agency or person, the clerk or executive officer, as the case may be, shall give notice or cause the same to be given.

56083. Notice required to be published shall be published pursuant to Section 6066 in one or more newspapers of general circulation within each affected county, city and district. If any newspaper shall be of general circulation in two or more affected cities or districts, publication in said newspaper shall be sufficient publication for all such affected cities or districts. If there shall be two or more affected counties, publication shall be made in at least one newspaper of general circulation in each such county.

56084. If published notice shall be a notice of hearing, publication thereof shall be commenced at least 15 days prior to the date specified therein for hearing.

56085. Notice required to be posted shall be posted on or near the doors of the meeting room of the legislative body or commission or upon any official bulletin board customarily used for the purpose of posting public notices by or pertaining to the legislative body or commission.

56086. Posted notice shall remain posted for not less than five days. If posted notice shall be notice of a hearing, posting shall be commenced at least 15 days prior to the date specified

therein for hearing and shall continue to the time of the hearing.

56087. Mailed notice shall be sent first class and deposited, postage prepaid, in the United States mails and shall be deemed to have been given when so deposited.

56088. If mailed notice shall be a notice of hearing, mailing thereof shall be made at least 15 days prior to the date specified therein for hearing.

56089. When mailed notice is required to be given to:

(a) A county, city or district, it shall be addressed to the clerk thereof;

(b) A conducting district, it shall be given by registered or certified mail, return receipt requested, and shall be addressed to the clerk thereof at the mailing address of the legislative body of such district as specified in the filing made pursuant to Section 53051;

(c) A commission, it shall be addressed to the executive officer thereof;

(d) Chief petitioners, it shall be addressed to the persons so designated in the petition at the address specified therein;

(e) Landowners, it shall be addressed to each person to whom land is assessed, as shown upon the last equalized assessment roll of the county, at the address shown upon such assessment roll;

(f) Persons requesting special notice, it shall be addressed to each person who shall have filed a written request for special notice with the executive officer or clerk, at the mailing address specified in the request.

CHAPTER 4. ELECTIONS

56100. Special elections called within all or any part of a city or resident-voter district shall be governed by the general elections provisions and the local election provisions of the Elections Code (so far as they may be applicable) relating to the qualifications of voters, the manner of voting, the form of the ballot, the duties of precinct and election officers, the canvassing of returns and all other particulars. To the extent of any inconsistency:

(a) Between the general elections provisions and the local elections provisions of the Elections Code, local elections provisions shall control; and

(b) Between the provisions of this division and the Elections Code, the provisions of this division shall control.

56101. Special elections called within all or any part of a landowner-voter district shall be governed by the general elections provisions of the principal act (so far as they may be applicable) relating to the qualifications of voters, the manner of voting, the form of the ballot, the duties of precinct and election officers, the canvassing of returns and all other particulars. To the extent of any inconsistency between the pro-

visions of this division and such principal act, the provisions of this division shall control.

56102. If the board of supervisors shall call any special election within all or any part of any district, any references in the principal act to the board of directors of the district and to the clerk or secretary of the district shall be deemed to mean the board of supervisors and the clerk of the county, respectively.

56103. If special elections shall be called upon the same question or questions within all or any part of (i) any landowner-voter district, and (ii) any city or resident-voter district, the provisions of Section 56100 shall apply, except that, as to such landowner-voter district, the provisions of its principal act shall govern the qualifications of landowner-voters, the number of votes which each landowner-voter is entitled to cast, the manner of voting and the form of the ballot.

56104. Where any special election or elections are called upon the question of confirmation of an order for a reorganization and the areas within which such election or elections are called contain overlapping territory of two or more cities or districts, within all such overlapping territory the election precincts, polling places, voting booths and ballot boxes shall, in every case, be the same and there shall be only one precinct board or set of election officers for each precinct.

56105. Where any records of a city or a district shall be required for the purpose of calling, holding or conducting any special election called by the board of supervisors pursuant to this division, such records or certified copies thereof shall be delivered, upon request, to the board of supervisors or the clerk of the county by the city or district officer having custody thereof and shall be returned to such officer immediately after the canvass of the election returns. All other election records, documents, instruments and election supplies, including, but not limited to, rosters, ballots, and tally sheets, shall be retained or disposed of by the clerk of the county in the manner provided by law.

56106. Any resolution ordering a change of organization or a reorganization subject to confirmation by the voters upon the question thereof shall:

(a) Call, provide for and give notice of a special election or elections upon such question;

(b) Designate each district, city or other territory within which such special election or elections are to be held;

(c) Fix a date of election, which date shall be the same where a special election is called upon the same question within the territory of more than one city or district;

(d) Provide for the question or questions to be submitted to the voters;

(e) Specify any terms and conditions provided for in the change of organization or reorganization;

(f) State the vote required for confirmation of the change of organization or reorganization; and

(g) Contain such other matters as may be necessary to call, provide for and give notice of such special election or elections and to provide for the conduct thereof and the canvass of the returns thereupon.

56107. The question or questions to be submitted at any special election or elections called pursuant to this division shall be in substantially the following form:

(a) For an annexation:

"Shall the order adopted on _____, 19___ by the Board of Directors of the _____ District ordering the annexation to said district of the territory described in said order and designated therein as (insert the distinctive short form designation theretofore assigned by the commission) be confirmed?"

(b) For a detachment:

"Shall the order adopted on _____, 19___ by the Board of Directors of the _____ District ordering the detachment from said district of the territory described in said order and designated therein as (insert the distinctive short form designation theretofore assigned by the commission) be confirmed?"

(c) For a dissolution:

"Shall the order adopted on _____, 19___ by the Board of Supervisors of the County of _____ ordering the dissolution of the _____ District be confirmed?"

(d) For a consolidation:

"Shall the order adopted on _____, 19___ by the Board of Supervisors of the County of _____ ordering the consolidation of (insert the names of all districts ordered consolidated) into a single district known as the _____ District be confirmed?"

(e) For a merger:

"Shall the order adopted on _____, 19___ by the Board of Supervisors of the County of _____ ordering the merger of the _____ District with the City of _____ be confirmed?"

(f) For establishment of a subsidiary district:

"Shall the order adopted on _____, 19___ by the Board of Supervisors of the County of _____ ordering the _____ District established as a subsidiary district of the City of _____ be confirmed?"

(g) For a reorganization:

"Shall the order adopted on _____, 19___ by the Board of Supervisors of the County of _____ ordering a reorganization affecting the (insert the names of all subject districts; if a new district or districts have been ordered formed, also insert 'and ordering the formation of a new district (or districts) under the provisions of the (identify principal act)') be confirmed?"

56108. If the change of organization or reorganization shall have been ordered subject to any terms and conditions, there shall be added to the end of the questions set forth in Section 56107 words substantially as follows:

"Subject to the terms and conditions specified in said order."

56109. If any of the terms and conditions shall have the effect of imposing or increasing liability for payment of (i) taxes or assessments to be levied and collected, (ii) service charges, rentals or rates to be fixed and collected, or (iii) both, upon or within all or any part of the territory affected by the proposed change of organization or reorganization, the question shall contain a very brief summary of the purpose, nature and extent of the liability and shall refer to the order ordering the change of organization or reorganization for particulars. In the discretion of the legislative body, the question may contain a summary of any other of the terms and conditions. No reference need be made to any liability for payment of (i) annual taxes or assessments, (ii) ordinary service charges, rentals or rates, or (iii) both, to be imposed for the usual and ordinary support, management and operation of any district.

Where a summary is included in a question, there shall be added to the clause set forth in Section 56108 words substantially as follows:

"Such terms and conditions including (set forth very brief summary), all as more particularly described and set forth in said order."

56109.1. This section shall apply only to changes of organization and reorganizations made by or with respect to a member district. If a change of organization or reorganization adding territory to a member district will not result in such additional territory being entitled to receive or be furnished with any new or additional governmental or proprietary service or commodity by the parent district, the question submitted to the voters shall so indicate. If a change of organization or a reorganization removing territory from a member district will result in the termination of any existing entitlement of said territory to receive or be furnished with any governmental or proprietary service or commodity from the parent district, the question submitted to the voters shall so indicate.

56110. On the ballot opposite each question and to its right, the words "Yes" and "No" shall be printed on separate lines with voting squares.

56111. If the board of supervisors shall order both a merger and the establishment of a subsidiary district, questions on each such matter shall be printed on the ballot, one above the other. Immediately preceding the first question there shall be printed in heavy faced gothic type not smaller than 10 point, the words "vote on both questions."

56112. If a special election or elections shall be called (i) upon an order of reorganization which provides for a consolidation or the formation of a new district, or both, or (ii) upon an order of consolidation, members of the legislative body and other officers of the consolidated district or the new district, as the case may be, shall be selected in the manner provided by the principal act. If the principal act or the terms and con-

ditions of such reorganization or consolidation provide for the election of such officers or members, they shall be nominated in the manner provided in the principal act and shall be voted upon at the special election or elections upon the question of confirming said order of reorganization or consolidation. If the order of reorganization or consolidation is confirmed at said special election or elections, the officers or members of the legislative body of the consolidated district or the new district, as the case may be, who are elected at said election or elections shall thereupon become the officers or members of the legislative body of such consolidated district or new district.

56113. Where a special election is called upon the question of confirming an order of annexation, detachment, dissolution or consolidation, each person entitled to vote as a result of residing or owning land within the territory in which said election is called shall be entitled to ballots and votes as follows:

(a) In the case of resident-voter districts, to one ballot and one vote, and

(b) In the case of landowner-voter districts, to the number of ballots and votes authorized by the principal act of said district.

56114. Where a special election or elections are called upon the question of confirming an order for a merger or the establishment of a subsidiary district, or both, each person entitled to vote as a result of residing or owning land within the territory within which said election is called shall be entitled to ballots and votes as follows:

(a) Where the election is called only within the district,

(1) In the case of a resident-voter district, each resident-voter shall be entitled to one ballot and one vote, and

(2) In the case of a landowner-voter district, each landowner-voter shall be entitled to the number of ballots and votes authorized by the principal act of said district.

(b) Where one election is called within the district and another election is called within the territory of the city outside the boundaries of said district,

(1) In the case of the city, each registered voter within the territory of the city outside the boundaries of the district shall be entitled to one city ballot and one vote thereon;

(2) In the case of the district, each person entitled to vote as a result of residing or owning land within the district shall be entitled to the number of district ballots and votes authorized by the principal act of such district.

Where elections are called both within the district and the territory of the city outside the boundaries of the district, separate forms of city and district ballots, printed on different colors of paper, shall be provided. Such city and district ballots shall be separately canvassed.

56115. Where a special election is called upon the question of confirming an order of reorganization, each person entitled to vote as a result of residing or owning land within the terri-

tory within which said election is called shall be entitled to ballots and votes as follows:

(a) Each such person who qualifies only as a resident-voter of any city or resident-voter district, regardless of the number thereof, shall be entitled to one ballot and one vote;

(b) Each such person who qualifies only as a landowner-voter of any subject district, regardless of the number thereof, shall be entitled to the number of ballots and votes authorized by the principal act for one such district; if there be more than one such district, such person upon declaration made to the precinct or election officers shall be furnished with a ballot or ballots for the particular district designated by such person;

(c) Each such person who qualifies both as a resident-voter and as a landowner-voter of any of the subject districts, may at his option vote either as a resident-voter or as a landowner-voter, but not both; such person upon declaration made to the precinct or election officers shall be furnished with a ballot or ballots for the particular city or district designated by such person.

56116. Where a special election has been called upon the question of confirming an order of reorganization and one of the subject districts constitutes a major district having territory overlapping one or more minor districts, different colors of ballots shall be provided for said major and minor districts. Any person entitled to vote at said election as a result of residing or owning land within such major district (including all overlapping territory of any minor district) shall be furnished with a ballot of the color provided for the major district; such ballot, after marking, shall be placed in the ballot box for the major district and, upon canvass, shall be counted as a vote cast within the major district. All other persons entitled to vote at said election shall be furnished with a ballot of the color provided for a minor district or districts; such ballots, after marking shall be placed in the ballot box for the minor district or districts and, upon canvass, shall be counted as votes cast within such minor district or districts.

56117. Where a special election has been called upon the question of confirming an order of reorganization, a landowner-voter shall be given two ballots or sets of ballots when all of the following conditions exist: (i) the result of such election is to be determined by the respective votes cast within a major district and the combined votes cast within all minor districts, (ii) where the territory of a landowner-voter district overlaps the territory of a city or resident-voter district, and (iii) where, pursuant to subdivision (c) of Section 56115 a person has elected to vote as a landowner-voter and is entitled to vote with respect to lands located both inside and outside such overlapping territory.

One ballot or set of ballots shall represent only those votes which the landowner-voter is entitled to cast by reason of owning land located inside the overlapping territory; any such ballots, after marking, shall be placed in the ballot box

for the major district. A second ballot or set of ballots shall represent only those votes which the landowner-voter is entitled to cast by reason of owning land located outside the overlapping territory; any such ballots, after marking, shall be placed in a separate ballot box for the minor districts.

56118. In any special election or elections called upon the question of confirmation of an order for merger or the establishment of a subsidiary district or for a reorganization, where the results of such election or elections must be determined from votes of both landowner-voters and registered voters, the votes of such landowner-voters shall be computed and equated with the votes of said registered voters in the following manner:

First, the per capita assessed value of land for each registered voter within the county within which said elections are held shall be determined to the nearest even dollar by dividing the total assessed value of land within such county, as shown on the last equalized assessment roll of such county, by the total number of voters who were registered in such county at the close of registration, as provided in the Elections Code, next preceding the date of such election. If any landowner-voter district shall be located in more than one county, the per capita assessed value for each county shall be multiplied by a percentage, to the nearest one-tenth of 1 percent, such percentage being determined by dividing the total area of the district into the area of those portions of the district located within that county; the resulting products of such multiplications shall then be added and the total, to the nearest even dollar, shall be deemed to be the per capita assessed value for all such counties.

Second, if any such landowner-voter district does not use the county assessment roll for the purposes of levying and collecting district assessments or taxes, the per capita assessed value of land for each registered voter within the county shall be corrected by multiplying such per capita assessed value by a correction factor determined as follows: The total assessed valuation of all lands within the district, as the same is shown upon the last equalized assessment roll or book of the district, shall be divided by the corresponding total assessed valuation of all lands within the district, as the same is shown upon the last equalized assessment roll of the county, and the quotient, expressed to the nearest of two decimal places, shall represent the correction factor. If any landowner-voter district shall be located in more than one county, a correction factor shall be determined, in the manner above provided, for each such county covering all those portions of the district which shall be located therein; the correction factor for each county shall then be multiplied by a percentage, to the nearest one-tenth of 1 percent, such percentage being determined by dividing the total area of the district into the area of those portions of the district located within that county; the resulting products of such multiplications shall then be added and the total, to the

nearest of two decimal places, shall be deemed to be the correction factor for all such counties.

Third, such corrected per capita assessed value, determined to the nearest even dollar, shall then be adjusted by dividing it by the number of dollars required for a single vote by a landowner-voter, as specified in the principal act determining such landowner-voter's right to vote.

Fourth, the total numbers of votes cast by landowner-voters for and against the question shall be divided by said corrected and adjusted per capita assessed value and the quotients, to the nearest whole figures, shall be deemed to be the number of votes of landowner-voters which shall be equated with the votes of the registered voters of any city or resident-voter district, cast for and against said question.

PART 2. INITIATION OF CHANGES OF ORGANIZATION AND REORGANIZATIONS

CHAPTER 1. GENERAL

56130. Preliminary proceedings may be initiated by proposals made by petition or by application of the legislative body of any affected county, city or district. All such preliminary proceedings shall be initiated in accordance with this part.

56131. If a proposed change of organization or a reorganization provides for any change in the boundaries of an existing district or for the formation of a new district, prior to the circulation of any petition or the adoption of any resolution or order initiating preliminary proceedings, a description of the proposed boundaries shall be filed with the commission for review, report and recommendation pursuant to Chapter 6.6 (commencing with Section 54773, Part 1, Division 2, Title 5).

56132. A commission may establish a schedule of filing fees for checking the sufficiency of any petition filed with the executive officer. Such fees shall not exceed fifteen cents ($0.15) for each signature affixed to the petition. A minimum filing fee of not to exceed ten dollars ($10) may be established. Any fees so established shall be paid to the executive officer at the time of filing of a petition. No petition shall be deemed filed until such fees have been paid.

56133. The commission also may establish a schedule of processing fees for the estimated expenses of the preliminary proceedings to be taken by the commission and any reorganization committee. Such fees shall not exceed five hundred dollars ($500) for each separate change of organization contained in a proposal. Such processing fee shall be deposited with the executive officer after the filing with the executive officer of any application by a legislative body for a change of organization, or the certification by the executive officer of the sufficiency of a petition. Said deposit shall be made within such period as the commission may specify. No further action shall

be taken upon any such application or petition until said processing fee is so deposited.

56134. The legislative body of any affected city, county or district may, but shall not be required to, authorize the payment of any of the fees established pursuant to Sections 56132 and 56133 from any available funds of such city, county or district.

CHAPTER 2. INITIATION BY PETITION

Article 1. Form of Petition

56140. A proposal may be made by petition. Any such petition shall contain substantially the following:

(a) State that the proposal is made pursuant to this division.

(b) State the nature of each proposed change of organization and the name or names of all districts and cities for which any such change of organization is proposed.

(c) State the name or names of all other affected counties, cities or districts.

(d) If any proposed change of organization is for any annexation or detachment, state whether the territory proposed to be annexed or detached is inhabited or uninhabited and set forth a description of the exterior boundaries of such territory.

(e) If the proposal is for a reorganization and requests the formation of a new district or districts, designate the principal act or acts under which said district or districts are proposed to be formed and set forth a description of the exterior boundaries of the territory proposed to be included therein.

(f) Set forth any proposed terms and conditions to which the proposed change of organization or reorganization is desired to be subject.

(g) State the reason or reasons for the proposal.

(h) State, or indicate opposite each signature, whether the signers of the petition are resident-voters, landowner-voters or landowners.

(i) Request that proceedings be taken for the change of organization or reorganization proposed therein.

56141. If a petition is for a consolidation, or for the formation of a new district as part of a reorganization, the petition may propose a name for the consolidated or new district.

56142. A petition may designate not to exceed three persons as chief petitioners, setting forth their names and mailing addresses.

56143. A petition may consist of a single instrument or separate counterparts.

56144. Each signer of a petition shall add to his signature the date of signing.

56145. If the signer is signing the petition as a resident-voter, he shall add to his signature his place of residence, giving street and number or a designation sufficient to enable the

place of residence to be readily ascertained. Prior to filing, such petition shall have designated on it the name or number of the election precinct in which each such signer resides.

56146. If the signer is signing the petition as a landowner-voter, the name of the county or district whose assessment roll or book is used for the purpose of determining such signer's right to vote shall be stated in the body of the petition or indicated opposite his signature.

Article 2. Filing and Certification of Petition

56150. No petition shall be accepted for filing unless the signatures thereon shall have been secured within six months of the date on which the first signature on the petition was affixed.

56151. All petitions shall be filed with the executive officer of the principal county. All counterparts of a petition, or of any supplemental petition, shall be filed at the same time.

56152. Within 10 days after the date of filing of a petition, the executive officer shall examine the petition and determine whether it is signed by the requisite number of signers. When the executive officer has completed his examination, he shall attach his certificate to the petition showing the result of his examination.

56153. If the certificate of the executive officer shows the petition has not been signed by the requisite number of signers, he shall certify the petition to be insufficient and shall give mailed notice thereof to the chief petitioners, if any. Within 10 days after the date of a certificate of insufficiency, a supplemental petition bearing additional signatures may be filed with the executive officer.

56154. Within 10 days after the date of filing a supplemental petition, the executive officer shall examine the same and attach his certificate showing the result of his examination.

56155. Each certificate of the executive officer shall be signed and dated. Such certificate shall also state the minimum signature requirements for a mandatory or permissive petition and show the results of the executive officer's examination.

56156. If the petition, including any supplemental petition, shall be certified to be insufficient either as a mandatory or permissive petition, it shall be filed with the executive officer as a public record, without prejudice to the filing of a new petition.

56157. If the petition, including any supplemental petition, shall be certified to be sufficient as a mandatory petition, the executive officer shall set the matter for hearing by the commission and give notice thereof in the manner provided by Part 4 (commencing with Section 56250) of this division. If certified to be sufficient as a permissive petition, the executive officer shall present the same to the commission not later than the next meeting following the 10th day after the date of certification of such petition. The executive officer shall give

mailed notice to the chief petitioners, if any, stating that the petition has been found to be sufficient as a permissive petition. Such notice shall contain the time, date and place of the meeting at which such petition will be presented to the commission.

56158. If a petition is required to be signed by resident-voters, the executive officer shall compare the names of the signers on the petition against the voters' register in the office of the county clerk or registrar of voters and ascertain therefrom the number of qualified signers appearing upon said petition.

56159. If a petition is required to be signed by a landowner or landowner-voter, the executive officer shall compare the names of the signers on the petition against the names of the persons shown as owners of land on the last equalized assessment roll of the county and, to the extent required by any particular provision of this division, ascertain therefrom:

(a) The total number of landowners owning land within the territory which is the subject of the proposed change of organization and the total assessed valuation of all land within such territory.

(b) The total number of landowners represented by qualified signers and the total assessed valuation of land owned by qualified signers.

56160. If a petition is required to be signed by a landowner or a landowner-voter, a public agency owning land within the territory which is the subject of the proposed change of organization shall be deemed a landowner or landowner-voter for the purpose of the signing and certification of such petition. Any such public agency may authorize such petition to be signed for and on its behalf by any duly authorized officer or employee.

56161. In examining any petition required to be signed by a landowner or landowner-voter, the executive officer shall disregard the signature of any person not shown as owner on the last equalized assessment roll unless prior to certification the executive officer shall be furnished with written evidence, satisfactory to him, that such signer: is a legal representative of the owner; is entitled to be shown as owner of land on the next assessment roll; is a purchaser of land under a recorded written agreement of sale; or is authorized to sign for and on behalf of any public agency owning land.

56162. If any person signing a petition as a landowner or landowner-voter shall appear as owner on the last equalized assessment roll but be shown thereon as a partner, joint tenant, tenant in common or as husband or wife, the signature of such person shall be counted as if all such owners shown on said roll had signed.

Article 3. Signature Requirements for Petitions in Resident-voter Districts

56170. Petitions for the annexation or detachment of territory to or from a resident-voter district shall be signed as follows:

(a) A mandatory petition shall be signed either:

(1) By not less than 35 percent of the resident-voters within the territory proposed to be annexed or detached, or

(2) By not less than 35 percent of the number of landowners owning land within the territory proposed to be annexed or detached who also own not less than 35 percent of the assessed value of land within such territory.

(b) A permissive petition shall be signed either:

(1) By not less than 5 percent of the resident-voters within the territory proposed to be annexed or detached, or

(2) By not less than 5 percent of the number of landowners within the territory proposed to be annexed or detached who also own not less than 5 percent of the assessed value of land within such territory.

56171. Petitions for a minor boundary change in a resident-voter district shall be signed by at least one resident-voter or landowner within the territory proposed to be annexed or detached.

56172. Petitions for the consolidation of two or more resident-voter districts shall be signed as follows:

(a) A mandatory petition shall be signed by not less than 35 percent of the resident-voters within each of the several districts.

(b) A permissive petition shall be signed by not less than 5 percent of the resident-voters within each of the several districts.

56173. Petitions for the dissolution of a resident-voter district shall be signed as follows:

(a) A mandatory petition shall be signed:

(1) By not less than 35 percent of the resident-voters within the district, or

(2) By not less than 35 percent of the number of landowners within the district who also own not less than 35 percent of the assessed value of land within the district.

(b) A permissive petition shall be signed:

(1) By not less than 5 percent of the resident-voters within the district, or

(2) By not less than 5 percent of the number of landowners within the district who also own not less than 5 percent of the assessed value of land within the district.

56174. Notwithstanding the provisions of Section 56173, a petition for the dissolution of a resident-voter district signed by three or more resident-voters within the district or by three or more landowners within a landowner-voter district, shall be deemed to be a permissive petition, if, in addition to the matters required by Section 56140, such petition shall recite

that the district has been in existence for at least three years and shall state, on information and belief, that there has been nonuser of the corporate powers of such district and that one or more of the following conditions have existed or now exist:

(a) That during the three-year period preceding the date of the first signature upon the petition:

(1) There has not been a duly selected and acting quorum of the board of directors of the district;

(2) The board of directors has failed to furnish any services to or provide any facilities for the use or benefit of residents, landowners or property within the district; or

(3) The board of directors has failed to levy or fix and collect any taxes, assessments, service charges, rentals or rates or to expend the proceeds thereof for district purposes.

(b) That during the one-year period preceding the date of the first signature upon the petition a quorum of the duly selected and acting board of directors has failed or refused to meet for the purpose of transacting district business.

(c) That, upon the date of the first signature upon the petition, the district had no assets, other than money in the form of cash, investments or deposits.

56175. Petitions for a merger of a resident-voter district of limited powers which overlaps a city or for the establishment of such district as a subsidiary district of such city shall be signed as follows:

(a) A mandatory petition shall be signed by not less than:

(1) Thirty-five percent of the resident-voters of such district; or

(2) Thirty-five percent of the registered voters residing within the territory of the city outside the boundaries of said district.

(b) A permissive petition shall be signed by not less than:

(1) Five percent of the resident-voters of such district; or

(2) Five percent of the registered voters residing within the territory of the city outside the boundaries of said district.

Article 4. Signature Requirements for Petitions in Landowner-voter Districts

56180. Petitions for the annexation or detachment of territory to or from a landowner-voter district shall be signed as follows:

(a) A mandatory petition shall be signed by not less than 35 percent of the number of landowners owning land within the territory proposed to be annexed or detached who also own not less than 35 percent of the assessed value of land within such territory.

(b) A permissive petition shall be signed by not less than 5 percent of the number of landowners owning land within the territory proposed to be annexed or detached who also own not less than 5 percent of the assessed value of land within such territory.

56181. Petitions for a minor boundary change in a landowner-voter district shall be signed by at least one landowner within the territory proposed to be annexed or detached.

56182. Petitions for the consolidation of two or more landowner-voter districts shall be signed as follows:

(a) A mandatory petition shall be signed by landowner-voters within each of the several districts constituting not less than 35 percent of the number of landowner-voters within each of the several districts and who also own not less than 35 percent of the assessed value of land within each of the several districts.

(b) A permissive petition shall be signed by landowner-voters within each of the several districts constituting not less than 5 percent of the number of landowner-voters owning land within each of the several districts and who also own not less than 5 percent of the assessed value of land within each of the several districts.

56183. Petitions for the dissolution of a landowner-voter district shall be signed as follows:

(a) A mandatory petition shall be signed by not less than 35 percent of the number of landowner-voters within the district who also own not less than 35 percent of the assessed value of land within such district.

(b) A permissive petition shall be signed by not less than 5 percent of the number of landowner-voters within the district who also own not less than 5 percent of the assessed value of land within such district.

56184. Notwithstanding the provisions of Section 56183, a petition for the dissolution of a landowner-voter district signed by three or more landowner-voters within the district shall be deemed a sufficient permissive petition if it contains the recitals and statements provided for by Section 56174.

56185. Petitions for a merger of a landowner-voter district of limited powers which overlaps a city or for the establishment of such district as a subsidiary district of such city shall be signed as follows:

(a) A mandatory petition shall be signed by not less than:

(1) Thirty-five percent of the number of landowner-voters within such district who also own not less than 35 percent of the assessed value of land within such district; or

(2) Thirty-five percent of the registered voters residing within the territory of such city outside the boundaries of said district.

(b) A permissive petition shall be signed by not less than:

(1) Five percent of the number of landowner-voters within such district who also own not less than 5 percent of assessed value of land within such district; or

(2) Five percent of the registered voters residing within the territory of such city outside the boundaries of the district.

Article 5. Signature Requirements for Petitions for Reorganization

56190. Petitions for reorganization shall be signed as follows:

(a) A mandatory petition shall comply with the applicable mandatory signature requirements of Articles 3 (commencing with Section 56170) and 4 (commencing with Section 56180) of this chapter with respect to each of the various changes of organization proposed in such petition.

(b) A permissive petition shall comply with the applicable permissive signature requirements of Articles 3 (commencing with Section 56170) and 4 (commencing with Section 56180) of this chapter with respect to each of the various changes of organization proposed in such petition.

56191. If a petition for reorganization shall include a proposal for the formation of a new district, said petition shall comply with the signature requirements, if any, of a petition for formation of such district, as set forth in the principal act designated in said petition for such formation, and if there are no such requirements, then the requirements of this division pertaining to dissolution.

56192. If a person is qualified to sign for two or more of the changes of organization proposed by the petition, such person need sign the petition only once and his signature shall be counted as if he had signed and requested each such change of organization.

Chapter 3. Initiation by Application of a Legislative Body

56195. A proposal for a change of organization or for a reorganization may be made by the adoption of a resolution of application by the legislative body of any affected county, city or district. Except for provisions relating to signers and signatures, a resolution of application shall contain all the matters required to be contained in a petition for a change of organization and may contain any of the matters authorized to be contained in a petition for dissolution or reorganization.

56196. The clerk of the legislative body adopting a resolution of application shall file a certified copy thereof with the executive officer.

56197. A resolution of application shall be deemed mandatory if adopted (i) by the board of directors of a district requesting the initiation of proceedings for a change of organization for that district only, (ii) by the legislative body of a city or a district of limited powers requesting initiation of proceedings for a merger of such district with said city or for the establishment of such district as a subsidiary district of said city, or (iii) by the legislative body of each subject district, proposing substantially the same plan of reorganization for all such subject districts. All other resolutions of application shall be deemed permissive.

56198. Upon the filing of a mandatory resolution of application, the executive officer shall set the matter for hearing by the commission and give notice thereof in the manner provided by Part 4 (commencing with Section 56250) of this division. Upon the filing of a permissive resolution of application, the executive officer shall present the same to the commission not later than the next meeting following the 10th day after the filing of such application. The executive officer shall give mailed notice to the county, city or district, whose legislative body shall have adopted such permissive resolution of application. The notice shall contain the date, time and place of the meeting at which such resolution will be presented to the commission.

PART 3. REORGANIZATION PLANS; STUDY, REPORT AND RECOMMENDATION OF REORGANIZATION COMMITTEES

CHAPTER 1. GENERAL

56210. A reorganization or a plan of reorganization shall provide for one or more changes of organization of any type for each of the subject districts and may provide for the formation of one or more new districts pursuant to the principal act or acts designated in the reorganization or plan of reorganization. Chapter 2 (commencing with Section 58500) of Division 2, Title 6, shall not apply to the formation of a district made pursuant to a reorganization or plan of reorganization.

56211. Upon the presentation of any mandatory petition or applications making a proposal for a reorganization, the commission shall take proceedings pursuant to Part 4 (commencing with Section 56250) without referring said proposal to a reorganization committee, as provided in this Part 3.

56212. Upon the presentation of any permissive petition or applications making a proposal for a reorganization, the commission may disapprove such proposal forthwith. Before any such proposal shall be referred to any reorganization committee, the commission shall provide for a public hearing on the question of whether such proposal should be disapproved or referred to a reorganization committee and set a time and place for such hearing.

56213. The executive officer shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

56214. The executive officer shall also give mailed notice of any such hearing, as provided in Sections 56087 and 56089, inclusive, by mailing notice of hearing to:

(a) Each subject district;

(b) The chief petitioners, if any;

(c) Each person who shall have filed a written request for special notice with the executive officer.

56215. The hearing shall be held by the commission on the date and at the time and place specified. After the conclusion of the hearing, the commission shall adopt a resolution either (i) disapproving the proposal of reorganization or (ii) ordering the proposal referred to a reorganization committee for study, report and recommendation.

56216. The commission may accept contributions from any source for the purpose of paying the expenses of a reorganization committee in the conduct of its study, report and recommendation. Any affected county, city or district is authorized to make contributions for such purpose. The commission and any affected county, city or district may make any of their respective facilities available for the use of a reorganization committee and may authorize any of their respective officers and employees to furnish advice, assistance or services to such committee.

CHAPTER 2. APPOINTMENT OF AND PROCEEDINGS BY REORGANIZATION COMMITTEES

56220. Any commission resolution ordering a proposal of reorganization referred to a reorganization committee shall:

(a) Describe the proposed reorganization and designate the subject districts (such description and designation may be by reference to the proposal);

(b) Specify the maximum number of members, not to exceed three, to represent each subject district on the committee;

(c) Fix a time and place for the first meeting of the reorganization committee; and

(d) Designate a date, not less than 60 days from the date of the first meeting of the committee, for the completion and submission to the commission of the report and recommendation of the committee.

56221. From time to time during the course of study upon a proposed plan of reorganization, the commission may:

(a) Extend the time for completion and submission of the report and recommendation of a reorganization committee.

(b) Change the scope of the study by the addition or deletion of territory or of subject districts.

(c) Authorize the committee to develop, study, report and make recommendations upon alternative plans of reorganization.

56222. At least 15 days before the date of the first meeting of a reorganization committee, the executive officer shall mail a copy of the commission resolution to each subject district designated therein.

56223. Any person, including but not limited to a member of the legislative body of a subject district and an officer or employee of such district, may be appointed as a member to represent said district upon a reorganization committee.

56224. The legislative body of each subject district shall appoint one or more members, not to exceed the maximum number specified by the commission, to represent said district on the reorganization committee. Such legislative body may from time to time remove and replace any member previously appointed by it and may fill any vacancy in its membership upon such committee.

56225. The clerk of a subject district shall give immediate notice to the executive officer of all appointments and removals made by the legislative body to a reorganization committee.

56226. At any time after the date fixed for the first meeting of a reorganization committee or during the course of such committee's study, if the legislative body of any subject district, after written request by the executive officer, shall fail or refuse to appoint any members to said committee, such members may be appointed by the commission.

56227. If during the course of study upon a proposed plan of reorganization the commission shall authorize a change in the scope of such study, the membership of the reorganization committee shall be immediately changed to exclude representatives of each district or city for which a change of organization is no longer proposed and to include representatives of each district or city for which a new change of organization is proposed.

56228. Subject to any standards and procedures adopted by the commission, a reorganization committee shall provide for the selection of a presiding officer and secretary (either of whom may but are not required to be members of the committee), adopt such rules and procedures as it deems advisable, fix the time and place for meetings of the committee and determine the manner and method to be followed by the committee in its study, report and recommendation.

56229. A quorum shall be deemed to be present at a meeting of a reorganization committee if members representing one-half or more of the subject districts shall be present. Each subject district shall be entitled to one vote at any reorganization committee meeting, which vote shall be determined by a majority of the members of such district present at said meeting.

56230. Upon the failure or refusal of a reorganization committee to complete and submit its report and recommendation before the date specified by the commission or, prior to such date, if members of the committee representing one-half or more of the subject districts report to the commission that the committee is unable to agree upon such report and recommendation, the commission may either order the discharge of the committee, or appoint additional members to the committee, not to exceed the maximum number authorized for a single subject district, to represent the public and order the committee, as so enlarged, to continue its study.

56231. If the commission shall order the discharge of a reorganization committee, thereafter the commission may make

a study, report and recommendation upon a plan of reorganization in the place and stead of said reorganization committee.

56232. If the commission shall appoint additional members to the reorganization committee to represent the public and order the reorganization committee, as so enlarged, to continue its study, such additional members shall have all of the rights and powers of members representing a single subject district, including participation in all studies, reports and recommendations, attendance at all meetings and the casting of a single vote on behalf of all such additional members on any matter before the committee.

56233. Every officer of any affected county, city or district shall make available to a reorganization committee any records, reports, maps, data or other documents which in any way affect or pertain to the committee's study, report and recommendation and shall confer with the committee concerning the problems and affairs of such county, city or district.

56234. Upon completion of the study of a reorganization committee, said committee shall prepare and submit to the commission a report and recommendation containing:

(a) A brief summary of the nature and extent of the study of the committee.

(b) A full and complete description of the plan of organization and any alternative plans of reorganization which were studied by the commission.

(c) The recommendation of the committee for the approval or disapproval of all or any part of the plan of reorganization and of any alternative plans of reorganization.

56235. Approval by a reorganization committee of the report and recommendation shall require the affirmative vote of more than one-half of the subject districts represented on the reorganization committee.

56236. The reorganization committee shall file the original of its report and recommendation with the executive officer and a copy thereof with the clerk of each subject district. Upon such filing with the executive officer, the reorganization committee shall be terminated. However, the commission may cause said committee to be reconvened at any time for the sole purpose of correcting or clarifying any error, omission or uncertainty appearing in said report and recommendation.

PART 4. NOTICE, HEARING AND DETERMINATIONS BY THE COMMISSION

CHAPTER 1. GENERAL

56250. The commission shall have the powers and duties set forth in Chapter 6 6 (commencing with Section 54773) of Part 1, Division 2, Title 5, and the following additional powers and duties:

(a) To review and approve or disapprove with or without amendment, wholly, partially or conditionally the following:

(1) Proposals for changes of organization.

(2) Proposals for reorganizations not required to be referred to a reorganization committee.

(3) Reports and recommendations of a reorganization committee and any plan of reorganization or alternative plan of reorganization reported upon by such committee.

(b) To adopt standards and procedures for the evaluation of proposals, plans of reorganization and reports and recommendations of reorganization committees.

Except as otherwise provided in this division, such powers and duties shall be exercised in accordance with the provisions of Chapter 6.6 (commencing at Section 54773) of Part 1, Division 2, Title 5. To the extent of any inconsistency between said Chapter 6.6 and this division, the provisions of this division shall control.

56251. If two or more proposals pending before the commission shall conflict or in any way be inconsistent with each other, the commission may determine the relative priority for conducting any further proceedings based upon any such proposals. Any such determination shall be included in the terms and conditions imposed by the commission. In the absence of any such determination, priority shall be given to that proceeding which shall be based upon the proposal first filed with the executive officer.

56252. In any order approving a proposal for an annexation or detachment, the commission may determine that any election called upon the question of confirming an order for any such annexation or detachment shall be called, held and conducted upon such question either:

(a) Only within the territory ordered to be annexed or detached; or

(b) Both within the territory ordered to be annexed or detached and within all or such part of said district as is outside of such territory.

56253. The commission may at any time authorize any legislative body holding a hearing pursuant to Part 5 (commencing with Section 56290), to continue such hearing to a date or dates extending beyond the dates specified in such part.

CHAPTER 2. NOTICE AND HEARING

56260. The commission may make the following determinations without notice and hearing:

(a) Approval or disapproval of any proposal for a minor boundary change

(b) Disapproval of any proposal made by a permissive petition or permissive application

(c) Subject to the limitations of Section 56261, approval of a proposal for an annexation or detachment.

Except for the foregoing determinations, the commission shall not make any determinations upon any proposal, plan of reorganization or report and recommendation of a reorganization committee until after public hearing by the commission thereon.

56261. If a petition for an annexation or a detachment shall be signed by all of the owners of land within the territory proposed to be annexed or detached, or if a resolution of application by a legislative body of an affected district, county, or city making a proposal for an annexation or detachment shall be accompanied by proof, satisfactory to the commission, that all the owners of land within such territory have given their written consent to such annexation or detachment, the commission may approve such annexation or detachment without notice and hearing by the commission. In such cases the commission may also approve and authorize the board of directors of the district to annex or detach such territory (i) without notice and hearing by the board of directors, (ii) without an election, or (iii) both.

The executive officer shall give the district mailed notice of the filing of any such petition or resolution of application by an affected district, county, or city. The commission shall not, without the written consent of the district, take any further action on said petition for 10 days following such mailing. Upon written demand by the district, filed with the executive officer during said 10-day period, the commission shall make determinations upon said petition only after notice and hearing thereon. If no such demand is filed, the commission may make such determinations without notice and hearing. By written consent, which may be filed with the executive officer at any time, a district may (i) waive the requirement of such mailed notice, (ii) consent to the commission making such determinations without notice and hearing, or (iii) both.

56262. Upon the filing with the executive officer of any mandatory petition or resolution of application or any report and recommendation of a reorganization committee, said executive officer shall set the matter for public hearing by the commission and fix a date, time and place for such hearing. The date of the hearing shall not be more than 60 days after such filing.

56263. Prior to approval of any permissive petition or resolution of application presented to the commission pursuant to Section 56157 or 56198, or where the commission desires to provide for notice and hearing prior to making a determination on a matter which the commission is authorized, but not required, to determine without notice and hearing, the commission shall order a public hearing thereon and set a date, time and place for such hearing. The date of hearing shall not be more than 60 days after the date of said order.

Failure of the commission to order notice and hearing upon any permissive petition or resolution of application within 30

days after presentation to the commission shall be deemed disapproval thereof by the commission.

56263.1. If any mandatory or permissive petition or resolution of application shall propose, as a part thereof, that the district shall furnish gas or electric service, as provided in Sections 56017 to 56019, inclusive, a certified copy of the report of the Public Utilities Commission must be on file with the executive officer prior to setting any such petition or resolution for public hearing by the commissioner.

56264. The executive officer shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

56265. The executive officer shall also give mailed notice of any such hearing, as provided in Sections 56087 and 56089, inclusive, by mailing notice of hearing:

(a) To each affected county, city or district;

(b) To the chief petitioners, if any;

(c) To each person who shall have filed a written request for special notice with the executive officer; and

(d) If the proposal is for any annexation or detachment or for a reorganization providing for the formation of a new district, to each city within three miles of the exterior boundaries of the territory proposed to be annexed, detached or formed into a new district.

56266. The hearing shall be held by the commission upon the date and at the time and place specified. The hearing may be continued from time to time but not to exceed 30 days from the date specified in the original notice.

56267. At the hearing the commission shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed.

CHAPTER 3. RESOLUTION MAKING DETERMINATIONS

56270. At any time not later than 30 days after the conclusion of the hearing, the commission shall adopt a resolution making determinations approving or disapproving the proposal or the plan of reorganization, any alternative plan of reorganization and the report and recommendation of a reorganization committee. In any resolution approving any such proposal, plan of reorganization, alternative plan of reorganization, or report and recommendation of a reorganization committee, the commission may determine that the same shall be made subject to any of the terms and conditions authorized by Section 56470, as the commission may specify in said resolution; provided, that the commission shall not specify any term or condition which shall not be fair, just and equitable.

56271. A resolution making determinations relating to an annexation or detachment shall also find whether the territory proposed to be annexed is inhabited or uninhabited, assign a

distinctive short form designation to the territory proposed to be annexed or detached, designate the conducting district and direct the board of directors thereof to initiate detachment or annexation proceedings in compliance with said resolution.

56272. The executive officer shall mail a certified copy of the commission's resolution making determinations addressed to:

(a) The chief petitioners, if any, where the proceedings for change of organization were initiated by petition;

(b) Each affected county, city or district;

(c) Each conducting district, by registered or certified mail, return receipt requested.

In addition, where such resolution relates to consolidation, dissolution, a merger, the establishment of a subsidiary district or a reorganization, the executive officer shall file a certified copy thereof with the clerk of the principal county.

56273. If the commission wholly disapproves any proposal or plan of reorganization, no further proceedings shall be taken for such change of organization or plan of reorganization. No new proposal for the same or substantially the same change of organization or plan of reorganization for the same district or districts may be filed with the commission within one year after the date of such disapproval.

56274. If a proposal or plan of reorganization is approved by the commission, with or without amendment, wholly, partially or conditionally, it shall be mandatory for the board of directors of the conducting district or the board of supervisors, as the case may be, to take proceedings for the change of organization or reorganization in accordance with Part 5 (commencing with Section 56290) hereof, subject to compliance with the commission's resolution making determinations.

56275. If any legislative body conducting a proceeding for a change of organization or reorganization shall desire any addition, deletion, amendment or revision of any commission resolution making determinations or any term, condition or other provision contained therein, such legislative body may file written application therefor with the executive officer who shall present the same to the commission at its next meeting. The commission, in its discretion, may either (i) without further notice and hearing, deny or approve such application, in whole or in part, or (ii) provide for notice and hearing upon said application, in the same manner as for the original proposal, prior to denying or approving the same.

56276. If pursuant to application therefor, the commission shall approve any addition, deletion, amendment or revision of its resolution making determinations, further proceedings for the change of organization or reorganization shall be taken in compliance therewith. Any provision of this division requiring compliance with the commission's resolution making determinations shall be deemed to include any addition, deletion, amendment or revision made thereto.

PART 5. PROCEEDINGS FOR CHANGE OF ORGANIZATION AND REORGANIZATION

CHAPTER 1. GENERAL

56290. After completion of preliminary proceedings, as provided in Part 4 (commencing with Section 56250), proceedings for a change of organization or a reorganization shall be taken pursuant to this part.

56291. A district whose boundaries would be changed as a result of a proposed annexation, detachment or minor boundary change shall be the conducting district and proceedings for any such annexation, detachment or minor boundary change shall be taken by the board of directors of such district. The board of supervisors of the principal county shall take proceedings for all other changes of organization and any reorganization, including a reorganization providing, among other things, for any annexation, detachment or minor boundary changes.

56292. Following receipt of a copy of the commission's resolution making determinations, the clerk of the county or of the conducting district, as the case may be, shall present such resolution to the board of supervisors or to the board of directors of such district. Not later than 30 days after the date of adoption of said commission's resolution, the legislative body of the county or a conducting district, shall adopt a resolution initiating proceedings in compliance with said commission's resolution.

56293. After the expiration of 30 days from the date of adoption of the commission's resolution making determinations, the commission may by resolution certify to the board of supervisors of the principal county:

(a) That the executive officer was unable to effect mailing or delivery of a certified copy of the commission's resolution making determinations to any conducting district by reason of:

(1) The failure of the board of directors of a conducting district to make the filing required by Section 53051; or

(2) The return, undelivered, of such certified copy after having been mailed to the clerk of a conducting district at the address specified in the filing required by Section 53051; or

(b) That the board of directors of a conducting district has failed or refused to initiate proceedings for the change of organization in compliance with the commission's resolution making determinations.

56294. At any time after the adoption of a resolution of certification pursuant to Section 56293, the board of supervisors may assume jurisdiction to initiate, conduct and complete any proceedings for the change of organization referred to in

such resolution. Upon the assumption of such jurisdiction, said board of supervisors and the clerk and other officers of the county shall have exclusive jurisdiction with respect to and may exercise all powers and duties vested by this part in the board of directors of a conducting district and the clerk or other officers of such district. Any jurisdiction assumed and exercised by the board of supervisors and the clerk or other officers of the county pursuant to this section shall be given the same force and effect as if taken by the board of directors, if any, of a conducting district and the clerk or officers thereof.

CHAPTER 2. ANNEXATIONS AND DETACHMENTS

56310. Except as otherwise provided in Section 56322, the board of directors of the conducting district shall adopt a resolution initiating proceedings for an annexation or detachment which resolution shall comply with the commission's resolution making determinations and shall:

(a) Indicate the manner in which and by whom preliminary proceedings were commenced (reference to the chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by a petition).

(b) State the distinctive short form designation assigned by the commission to the territory proposed to be annexed or detached and set forth a description of the exterior boundaries of such territory.

(c) State whether the territory proposed to be annexed or detached is inhabited or uninhabited.

(d) State the reason or reasons for the proposed annexation or detachment, as set forth in the proposal thereof.

(e) Set forth any terms and conditions of the proposed annexation or detachment.

(f) Fix a time, date and place of hearing on the proposed annexation or detachment, which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(g) State that any interested person desiring to make written protest against said annexation or detachment shall do so by written communication filed with the clerk of the conducting district not later than the hour set for hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him; a protest by a voter shall contain the residential address of such voter.

56311. The clerk of the conducting district shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

56312. The clerk of the conducting district shall also give mailed notice of any such hearing as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing:

(a) In the case of a benefit district, to all landowners owning land within the territory proposed to be annexed or detached; and

(b) To all persons and counties, cities or districts, which shall have theretofore filed a written request for special notice with the clerk of the conducting district.

56313. The hearing on the proposed annexation or detachment shall be held by the board of directors upon the date and at the time specified in the resolution initiating proceedings for such annexation or detachment. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

56314. At the hearing, prior to consideration of protests, the commission's resolution making determinations shall be read aloud or summarized. At such hearing the board of directors of the conducting district shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

56314.1. Factors to be considered by the board of directors in a proposed annexation shall include:

(a) Whether the proposed annexation will be for the interest of landowners or present or future inhabitants within the district and within the territory proposed to be annexed to said district;

(b) The commission's resolution making determinations;

(c) Any factors which may be considered by the commission, as provided in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5;

(d) Any other matters which the board of directors deems material.

Except as hereinafter provided, the board of directors shall not be required to make any express recitals or findings concerning any of the factors considered by it.

56315. In any proceedings for the annexation or detachment of territory to or from any district, where the terms and conditions provide for the formation of such territory into a new improvement district or the annexation or detachment of such territory to or from an existing improvement district and in any proceedings for the annexation or detachment of territory to or from a benefit district, the board of directors shall have the power and duty:

(a) To exclude any lands proposed to be annexed which said board finds will not be benefited by becoming a part of any such district or improvement district; and

(b) To exclude any lands proposed to be detached which said board finds will be benefited by remaining a part of said district or improvement district.

For the purpose of completing any such proceedings, including the findings provided for by Sections 56316 and 56317, any

land so excluded shall no longer be considered a part of the territory proposed to be annexed or detached.

56316. A majority protest shall be deemed to exist and the proposed annexation or detachment shall be abandoned if the board of directors shall find that written protests filed and not withdrawn prior to the conclusion of the hearing represent:

(a) In the case of the annexation or detachment of inhabited territory,

(1) More than 50 percent of the assessed value of land therein, or

(2) More than 50 percent of the voting power of voters entitled to vote as a result of residing in or owning land within such territory; or

(b) In the case of the annexation or detachment of uninhabited territory, more than 50 percent of the assessed value of land therein.

56317. A written protest by a resident-voter shall contain his signature and a street and number or designation sufficient to enable the place of residence to be readily ascertained. A protest by a landowner or landowner-voter shall contain his signature and a description of the land owned by him sufficient to identify the same. A public agency owning land shall be deemed a landowner or landowner-voter for the purpose of making a written protest and determining the existence of a majority protest.

56318. The board of directors shall determine the sufficiency of written protests by the same methods and in the same manner as provided in Sections 56158 to 56162, inclusive, for the examination of petitions by the executive officer.

56319. In a detachment proceeding, if a majority protest shall not have been filed, the board of directors of the conducting district upon the conclusion of the hearing shall, in accordance with the provisions of Sections 56320 and 56321, adopt a resolution ordering the territory detached.

56319.1. In an annexation proceeding, if a majority protest shall not have been filed, the board of directors of the conducting district, not later than 30 days after the conclusion of the hearing, shall adopt a resolution and make one of the following determinations:

(a) Disapproving the proposed annexation; or

(b) Ordering the annexation in accordance with Sections 56320 to 56322, inclusive.

56320. The board of directors may order such territory annexed to or detached from the district either without election or subject to confirmation by the voters upon the question of such annexation or detachment. However, the board of directors shall not order any such annexation or detachment without election unless the board of directors finds:

(a) In the case of uninhabited territory, that written protests filed and not withdrawn represent less than 10 percent of the number of landowners within such territory, owning not more than 10 percent of the assessed value of land therein, or

(b) In the case of inhabited territory, that written protests filed and not withdrawn represent:

(1) Less than 10 percent of the number of landowners within such territory owning not more than 10 percent of the assessed value of land therein; and

(2) Less than 10 percent of the voting power of voters entitled to vote as a result of residing in or owning property within such territory.

56321. In any resolution ordering an annexation or detachment of territory subject to confirmation by the voters, the board of directors, subject to compliance with any commission order made pursuant to Section 56252, may provide for an election or elections to be called, held and conducted upon such question:

(a) Only within the territory ordered to be annexed or detached; or

(b) Both within the territory ordered to be annexed or detached and within all or such part of said district as is outside of such territory.

56322. When approved and authorized by the commission pursuant to the provisions of Section 56261, the board of directors of a district may adopt a resolution ordering an annexation or detachment (i) without notice and hearing by the board of directors, (ii) without an election, or (iii) both, as the case may be.

56323. A resolution ordering an annexation or detachment shall describe the exterior boundaries of the territory annexed or detached and shall contain all terms and conditions imposed upon such annexation or detachment.

56324. After the canvass of the returns of any election or elections on the question of the annexation or detachment, the board of directors shall adopt a resolution confirming the order of annexation or detachment, if a majority of the votes cast upon such question are in favor of such annexation or detachment:

(a) At an election called only within the territory ordered to be annexed or detached; or

(b) At each election where one election was called within the territory ordered to be annexed or detached and another election within all or such part of said district as is outside said territory.

CHAPTER 3. MINOR BOUNDARY CHANGES

56350 The board of directors of the conducting district may by resolution order a minor boundary change without notice and hearing; provided, that the board of directors of a benefit district shall not order a minor boundary change resulting in the inclusion of additional land within the territory of such district unless either (i) all of the owners of such land have petitioned for or otherwise given their written consent to such inclusion, or (ii) said board shall take proceed-

ings for the annexation of such territory pursuant to Chapter 2 (commencing with Section 56310) of this part.

56351. The board of directors may by resolution order a minor boundary change without election if said board finds:

(a) That the boundaries of the district are conflicting, indefinite, uncertain or incorrectly described; or

(b) That by reason of the subdivision, resubdivision or conveyance of land, the district boundary lines fail to conform to established property lines or boundary lines used by the assessor for the purpose of the levy and collection of taxes or assessments.

56352. Any minor boundary change shall conform to established property lines and boundary lines used by the assessor and, as nearly as may be practicable, to the district boundaries as they existed prior to such order.

56353. A resolution ordering a minor boundary change shall comply with the commission's resolution making determinations and shall contain a description of the new boundary line resulting from such change.

CHAPTER 4. DISSOLUTION

56360. The board of supervisors shall adopt a resolution initiating proceedings for dissolution, which resolution shall comply with the commission's resolution making determinations and shall:

(a) State the name of the district proposed to be dissolved, and the county or counties in which the same is located.

(b) Indicate the manner in which and by whom preliminary proceedings were commenced (reference to the chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by a petition).

(c) State the reason or reasons for the proposed dissolution, as set forth in the proposal therefor.

(d) Set forth any terms and conditions of the proposed dissolution.

(e) Fix a time, date and place of hearing on the proposed dissolution which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(f) State that any interested person desiring to make written protest against said dissolution shall do so by written communication filed with the clerk of the county not later than the hour set for hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him; a protest by a voter shall contain the residential address of such voter.

56361. The clerk of the county shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

56362. The clerk of the county shall also give mailed notice of any such hearing, as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing to:

(a) Each affected county, city or district;

(b) The chief petitioners, if any;

(c) Each person who shall have filed a request for special notice with the clerk of the county.

56363. The hearing on the proposed dissolution shall be held by the board of supervisors upon the date and at the time specified in the resolution initiating proceedings for such dissolution. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

56364. At the hearing, prior to consideration of protests, the commission's resolution making determinations shall be read aloud or summarized. At such hearing the board of supervisors shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

56365. Factors to be considered by the board of supervisors in a proposed dissolution shall include:

(a) Whether there has been a nonuser of corporate powers of such district, as specified in Section 56174 and a reasonable probability that such nonuser may continue.

(b) Whether the proposed dissolution of the district will be for the interest of landowners or present or future inhabitants within such district or both.

(c) The commission's resolution making determinations.

(d) Any factors which may be considered by the commission, as provided in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5.

(e) Any other matters which the board of supervisors deems material.

Except as hereinafter provided, the board of supervisors shall not be required to make express recitals or findings concerning any of the factors considered by it.

56366. Not later than 30 days after the conclusion of the hearing and subject to the limitations of Section 56368, the board of supervisors shall adopt a resolution and make one of the following determinations:

(a) Disapproving the proposed dissolution;

(b) Ordering such dissolution made without election; or

(c) Ordering such dissolution, subject to confirmation by the voters upon the question of such dissolution.

56367. In any resolution ordering a dissolution, the board of supervisors shall make findings upon either or both of the following matters:

(a) That there has been a nonuser of corporate powers, as specified in Section 56174, and a reasonable probability that such nonuser may continue.

(b) That the dissolution of the district will be for the interest of landowners or present or future inhabitants within such district or both.

56368. In any resolution ordering the dissolution of a district where there is a finding of nonuser of the corporate powers of such district, the board of supervisors may order such dissolution either without election or subject to confirmation by the voters upon the question of such dissolution. In all other cases such resolution shall order such dissolution, subject to confirmation by the voters upon the question of such dissolution.

56369. A resolution ordering the dissolution of a district shall contain all terms and conditions imposed upon such dissolution.

56370. After the canvass of the returns of any election on the question of dissolution, the board of supervisors shall adopt a resolution either (i) confirming the prior order of dissolution, if a majority of the votes cast upon such question are in favor of such dissolution, or (ii) determining the prior order of dissolution to have been defeated by failure to receive the required vote.

CHAPTER 5. CONSOLIDATION

56380. The board of supervisors shall adopt a resolution initiating proceedings for consolidation, which resolution shall comply with the commission's resolution making determinations and shall:

(a) State the names of all districts proposed to be consolidated, the name, if any, of the proposed new consolidated district, and the county or counties in which the same are located

(b) Indicate the manner in which and by whom preliminary proceedings were commenced (reference to the chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by a petition).

(c) State the reason or reasons for the proposed consolidation, as set forth in the proposal therefor.

(d) Set forth any terms and conditions of the proposed consolidation.

(e) Fix a time, date and place of hearing on the proposed consolidation which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(f) State that any interested person desiring to make written protest against said consolidation shall do so by written communication filed with the clerk of the county not later than the hour set for hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him; a protest by a voter shall contain the residential address of such voter.

56381. The clerk of the county shall give notice of any such hearing by publication, as provided in Sections 56083 and

56084, and by posting as provided in Sections 56085 and 56086.

56382. The clerk of the county shall also give mailed notice of any such hearing, as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing to:

(a) Each district proposed to be consolidated;

(b) Other affected counties, cities and districts;

(c) Each person who shall have filed a request for special notice with the clerk of the county.

56383. The hearing on the proposed consolidation shall be held by the board of supervisors upon the date and at the time specified in the resolution initiating proceedings for such consolidation. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

56384. At the hearing, prior to consideration of protests, the commission's resolution making determinations shall be read aloud or summarized. At such hearing the board of supervisors shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

56385. Factors to be considered by the board of supervisors in a proposed consolidation shall include:

(a) Whether the proposed consolidation will be for the interest of landowners or present or future inhabitants within each of the districts proposed to be consolidated;

(b) The commission's resolution making determinations;

(c) Any factors which may be considered by the commission, as provided in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5; and

(d) Any other matters which the board of supervisors deems material.

The board of supervisors shall not be required to make express recitals or findings concerning any of the factors considered by it.

56386. Not later than 30 days after the conclusion of the hearing, the board of supervisors shall adopt a resolution and make one of the following determinations:

(a) Disapproving the proposed consolidation;

(b) Ordering such consolidation, subject to confirmation by the voters upon the question of such consolidation

56387. Any resolution of the board of supervisors ordering a consolidation subject to confirmation by the voters at an election or elections provided therefor shall designate the name of each district ordered to be consolidated and the name, if any, of the proposed new consolidated district.

56388. After the canvass of the returns of the elections upon the question of consolidation, the board of supervisors shall adopt a resolution either confirming the order of consolidation, if a majority of the votes cast on such question in each

district ordered to be consolidated favored such consolidation, or determining the order of consolidation defeated by failure to receive the required vote.

CHAPTER 6. MERGERS AND ESTABLISHMENT OF SUBSIDIARY DISTRICTS

Article 1. General

56400. The Legislature hereby declares that the doctrine of automatic merger of a district with a city or the merger by operation of law of a district with a city shall have and be given no further force or effect. The existence of a district shall not be extinguished or terminated as a result of the entire territory of such district being heretofore or hereafter included within a city unless such district be merged with such city as a result of proceedings taken pursuant to this division. If on the effective date of this division there shall be any pending action or proceeding seeking or contesting a determination, judgment or decree that there has been an automatic merger by operation of law of a district with a city, or the merger by operation of law of a district with a city, the foregoing provisions of this section shall have no application thereto and the court may in any such legal proceedings make and enter judgment in accordance with the law existing prior to the effective date of this division. Any merger of a district with a city, as a result of automatic merger or merger by operation of law, which shall have been heretofore adjudged by final judgment or decree of a court of competent jurisdiction or heretofore affirmed, directly or indirectly, by any action, conduct or proceedings of both the board of directors of a district and the city council of a city, is hereby confirmed and validated.

56401. A district of limited powers may be either merged with or established as a subsidiary district of a city in the manner provided in this chapter.

56402. An order of merger may be adopted for a district of limited powers, including any such district theretofore established as a subsidiary district, if the entire territory of such district shall be included within the boundaries of a city upon the date of such order.

56403. An order establishing a district of limited powers as a subsidiary district may be adopted if upon the date of such order:

(a) The entire territory of such district shall be included within the boundaries of a city; or

(b) A portion or portions of the territory of such district shall be included within the boundaries of a city and such portion or portions represent 80 percent or more of the area of taxable or assessable real property within such district, as shown on the last equalized assessment roll of the county.

56404. For the purposes of Sections 56402 and 56403, the boundaries shall be determined as of the date of adoption of said order of the board of supervisors. Any then pending but uncompleted proceedings for changes in the boundaries of said city or district shall be disregarded.

56405. Except for a proposal for the merger of a then existing subsidiary district, any proposal for a change of organization authorized by this chapter shall contain a request in the alternative, that is, it shall request either a merger or the establishment of a subsidiary district, as may be determined during the course of the proceedings. Any proposal requesting only merger shall be deemed to also include a request for the establishment of a subsidiary district and any proposal requesting only the establishment of a subsidiary district shall be deemed to also include a request for merger.

Article 2. Proceedings by Board of Supervisors

56410. The board of supervisors shall adopt a resolution initiating proceedings for a merger or establishment of a subsidiary district, which resolution shall comply with the commission's resolution making determinations and shall:

(a) State the names of the city and the district which is the subject of the proposed merger or establishment of a subsidiary district.

(b) State whether the proceedings pertain (i) to a then existing subsidiary district proposed to be merged with the city or (ii) to a nonsubsidiary district proposed to be merged with or established as a subsidiary district of said city, as may be determined during the course of the proceedings.

(c) Indicate the manner in which and by whom preliminary proceedings were commenced (reference to chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by a petition).

(d) State the reason or reasons for the proposed merger or establishment of a subsidiary district, as set forth in the proposal therefor.

(e) Set forth any terms and conditions of the proposed merger or establishment of a subsidiary district.

(f) Fix a time, date and place of hearing on the proposed merger or establishment of a subsidiary district, which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(g) State that any interested person desiring to make written protest shall do so by written communication filed with the clerk of the county not later than the hour set for hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him; a protest by a voter shall contain the residential address of such voter.

56411. The clerk of the county shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

56412. The clerk of the county shall also give mailed notice of any such hearing, as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing to:

(a) Each city and district which is the subject of the proposed merger or establishment of a subsidiary district;

(b) Other affected counties, cities and districts;

(c) Each person who shall have filed a request for special notice with the clerk of the county.

56413. The hearing on the proposed merger or establishment of a subsidiary district shall be held by the board of supervisors upon the date and at the time specified in the resolution initiating proceedings for such merger or establishment of a subsidiary district. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

56414. At the hearing, prior to consideration of protests, the commission's resolution making determinations shall be read aloud or summarized. At such hearing the board of supervisors shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

56415. Factors to be considered by the board of supervisors in a proposed merger or establishment of a subsidiary district shall include:

(a) Whether the proposed merger or establishment of a subsidiary district will be for the interest of landowners or present or future inhabitants within the district and the city.

(b) The commission's resolution making determinations.

(c) Any factors which may be considered by the commission, as provided in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5.

(d) Any other matters which the board of supervisors deems material.

The board of supervisors shall not be required to make express recitals or findings concerning any factors considered by it.

56416. Subject to the limitations of Sections 56402 and 56403, upon the conclusion of the hearing, the board of supervisors shall adopt a resolution taking one of the following final actions:

(a) Disapproval of a merger or the establishment of a subsidiary district, or both; or

(b) The ordering of a merger or the establishment of a subsidiary district, or both, subject to confirmation by the voters upon the questions, as the case may be, of (i) merger, (ii) the establishment of a subsidiary district, or (iii) both.

56417. In any resolution ordering a merger or the establishment of a subsidiary district, subject to confirmation of the voters, the board of supervisors may provide for an election or

elections to be called, held and conducted upon such question or questions:

(a) Only within the district ordered to be merged with or established as a subsidiary district of a city; or

(b) Both within said district and within the territory of said city outside the boundaries of said district.

56418. At any time prior to the adoption by the board of supervisors of a resolution ordering the district to be merged with or established as a subsidiary district of a city, a petition may be filed with the clerk of the county referring, by date of adoption, to the commission's resolution making determinations and requesting that any election upon such question be called, held and conducted only within such district. Any such petition so filed shall be immediately examined and certified by the clerk of the county by the same method and in the same manner as provided in Sections 56158 to 56162, inclusive, for the examination of petitions by the executive officer. The board of supervisors shall call, hold and conduct any election upon the question of a merger or the establishment of a subsidiary district only within the district to be merged or established as a subsidiary district, if the clerk of the county shall certify that any petition so filed was signed:

(a) In the case of a resident-voter district, by not less than 10 percent of the resident voters of such district; or

(b) In the case of a landowner-voter district, by not less than 10 percent of the number of landowner-voters within the district who also own not less than 10 percent of the assessed value of land within such district.

56419. After the canvass of the returns upon the question of merger or the establishment of a subsidiary district, or both, the board of supervisors shall adopt (i) one of the confirmatory resolutions provided by Sections 56420 and 56421, or (ii) a resolution determining the order of merger or establishment of a subsidiary district, as the case may be, defeated by failure to receive the required vote.

56420 The board of supervisors shall adopt a resolution confirming a prior order of merger in the following cases:

(a) Where the only question submitted was upon merger and a majority of the votes cast thereon favored merger:

(1) At an election called only within the district; or

(2) At each election, where one election was called within the district and another within the territory of the city outside the boundaries of said district.

(b) Where both the question of merger and the question of the establishment of a subsidiary district were submitted at an election called only within the district and the results of such election were as follows:

(1) The question of merger was favored by a majority of the votes cast thereon but the question of establishment of a subsidiary district failed to be favored by a majority of the votes cast thereon;

(2) Both the question of merger and the question of the establishment of a subsidiary district were favored by a majority of the votes cast thereon but the question of merger was favored by the same or a greater number of votes than was the question of the establishment of a subsidiary district.

(c) Where both the question of merger and the question of the establishment of a subsidiary district were submitted at an election called within the district and at another election called within the territory of the city outside the boundaries of said district, and the results of such elections were as follows:

(1) The question of merger was favored by a majority of the votes cast thereon at each of the respective elections, but the question of the establishment of a subsidiary district failed to be favored by a majority of the votes cast thereon at either one or both of such elections;

(2) Both the question of merger and the question of the establishment of a subsidiary district were favored by a majority of the votes cast thereon at each of the respective elections, but the question of merger was favored at either one or both of such elections by the same or a greater number of votes than was the question of the establishment of a subsidiary district.

56421. The board of supervisors shall adopt a resolution confirming a prior order for the establishment of a subsidiary district in the following cases:

(a) Where the only question submitted was upon the establishment of a subsidiary district and a majority of the votes cast thereon favored such establishment:

(1) At an election called only within the district; or

(2) At each election, where one election was called within the district and another within the territory of the city outside the boundaries of said district.

(b) Where both the question of merger and the question of the establishment of a subsidiary district were submitted at an election called only within the district and the results of such election were as follows:

(1) The question of establishment of a subsidiary district was favored by a majority of the votes cast thereon but the question of merger failed to be favored by a majority of the votes cast thereon;

(2) Both the question of merger and the question of the establishment of a subsidiary district were favored by a majority of the votes cast thereon but the question of the establishment of a subsidiary district was favored by a greater number of votes than was the question of merger.

(c) Where both the question of merger and the question of the establishment of a subsidiary district were submitted at an election called within the district and at another election called within the territory of the city outside the boundaries of said district, and the results of such elections were as follows:

(1) The question of the establishment of a subsidiary district was favored by a majority of the votes cast thereon at each of the respective elections, but the question of merger failed to be favored by a majority of the votes cast thereon at either one or both of such elections;

(2) Both the question of merger and the question of the establishment of a subsidiary district were favored by a majority of the votes cast thereon at each of the respective elections, but the question of the establishment of a subsidiary district was favored at both such elections by a greater number of votes than was the question of merger.

CHAPTER 7. REORGANIZATION

56430. The board of supervisors shall adopt a resolution initiating proceedings for a reorganization, which resolution shall comply with the commission's resolution making determinations and shall:

(a) State the name of each subject district for which any change of organization is proposed and the county or counties in which the same is located.

(b) Briefly describe the particular change or changes of organization proposed for each of the subject districts, any new districts proposed to be formed and any terms and conditions to be applicable thereto; reference may be made to the commission's resolution making determinations for a full and complete description of said changes of organization, formation of new districts, if any, and said terms and conditions.

(c) Indicate the manner in which and by whom preliminary proceedings were commenced (reference to the chief petitioners, if any, shall be sufficient where preliminary proceedings were commenced by a petition).

(d) State the reason or reasons for the proposed reorganization, as set forth in the proposal therefor.

(e) Fix a time, date and place of hearing on the proposed reorganization which shall be not less than 15 days nor more than 60 days after the date of adoption of the resolution initiating proceedings.

(f) State that any interested person desiring to make written protest against said reorganization shall do so by written communication filed with the clerk of the county not later than the hour set for hearing. A written protest by a landowner shall contain a description sufficient to identify the land owned by him; a protest by a voter shall contain the residential address of such voter.

56431. The clerk of the county shall give notice of any such hearing by publication, as provided in Sections 56083 and 56084, and by posting, as provided in Sections 56085 and 56086.

56432. The clerk of the county shall also give mailed notice of any such hearing, as provided in Sections 56087 to 56089, inclusive, by mailing notice of hearing to:

(a) All landowners owning land within any territory proposed to be formed into or to be annexed to or detached from (i) a benefit district, or (ii) an improvement district within any district;

(b) Each subject district;

(c) All other affected counties, cities or districts;

(d) The chief petitioners, if any;

(e) Each person who shall have theretofore filed a request for special notice with the clerk of the county.

56433. The hearing on the proposed reorganization shall be held by the board of supervisors upon the date and at the time specified in the resolution initiating proceedings for such reorganization. The hearing may be continued from time to time but not to exceed 60 days from the date specified in such resolution.

56434. At the hearing, prior to consideration of protests, the commission's resolution making determinations shall be read aloud or summarized. At such hearing the board of supervisors shall hear and receive any oral or written protests, objections or evidence which shall be made, presented or filed. Any person who shall have filed a written protest may withdraw the same at any time prior to the conclusion of the hearing.

56435. Factors to be considered by the board of supervisors in a proposed reorganization shall include:

(a) As to each particular type of change of organization contained in the proposed reorganization, any of the factors authorized to be considered by a legislative body in a proceeding for such type of change of organization;

(b) Whether the proposed reorganization will be for the interest of affected counties, cities and districts and landowners or present or future inhabitants therein;

(c) The commission's resolution-making determinations;

(d) Any factors which may be considered by the commission, as provided in Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5; and

(e) Any other matters which the board of supervisors deems material

The board of supervisors shall not be required to make express recitals or findings concerning any of the factors considered by it.

56436. If any change of organization contained in a proposed reorganization shall provide for the formation of, or the annexation or detachment of territory to or from, a benefit district, or if the terms and conditions of any change of organization provide for the formation of a new improvement district, or the annexation or detachment of territory to or from an existing improvement district, the board of supervisors shall:

(a) Exclude any lands proposed to be formed into or to be annexed to a benefit district or improvement district which

said board finds will not be benefited by becoming a part of such benefit district or improvement district;

(b) Exclude any lands proposed to be detached from a benefit district or improvement district which said board finds will be benefited by remaining a part of said benefit district or improvement district.

56437. Except as otherwise provided in Section 56438, there shall be no right of majority protest upon a proposed reorganization and all orders of reorganization shall be made subject to confirmation of the voters upon the question of such reorganization.

56438. Where a proposed reorganization consists solely of annexations, detachments or minor boundary changes, or any combination thereof, a majority protest shall be deemed to exist and the proposed reorganization shall be abandoned if the board of supervisors finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent:

(a) More than 50 percent of the assessed value of land within all territory proposed to be annexed or detached; or

(b) More than 50 percent of the voting power of voters entitled to vote as a result of residing within or owning land within such territory.

If there is no such majority protest, the board of supervisors may order such reorganization without election, if the board of supervisors finds that written protests filed and not withdrawn represent:

(a) Less than 10 percent of the number of landowners within all territory proposed to be annexed or detached, owning not more than 10 percent of the assessed value of land therein; and

(b) Less than 10 percent of the voting power of voters entitled to vote as a result of residing within or owning land within such territory.

56439. Not later than 30 days after the conclusion of the hearing, the board of supervisors shall adopt a resolution taking one of the following actions:

(a) Disapproval of the proposed reorganization; or

(b) The ordering of such reorganization, subject to confirmation of the voters upon the question thereof.

56440 In any resolution ordering a reorganization, subject to confirmation of the voters, the board of supervisors shall call and provide for an election to be held and conducted:

(a) Within the entire territory of each district ordered to be formed, dissolved or consolidated;

(b) Within the entire territory of each district and city, where such district has been ordered merged with or established as a subsidiary district of such city, and

(c) Within any territory ordered annexed to or detached from a district.

56441 Prior to adopting any resolution ordering a reorganization, subject to confirmation of the voters, the board

of supervisors shall determine whether any single subject district constitutes a major district, as defined in Section 56442. If it is determined that a major district exists, any resolution ordering a reorganization subject to confirmation of the voters shall designate the name of the major district and the name or names of all minor districts.

56442. A "major district" means any single subject district which has voting power greater than the combined voting power of all other subject districts. A "minor district" means any subject district which is not a major district. The voting power of the respective subject districts shall be determined as follows:

(a) The total number of votes authorized to be cast within each subject district shall be determined for the entire territory of such district, including all overlapping territory.

(b) If the election is to be called and held within any territory ordered annexed to or detached from a subject district, the voting power of such district shall be determined with respect only to the territory ordered annexed or detached and not the entire territory of such district.

(c) If all of the subject districts are cities or resident-voter districts, the respective voting power thereof shall be the total number of registered voters within each such city or district at the close of registration, as provided in the Elections Code, next preceding the date of election fixed in the resolution ordering the reorganization, subject to confirmation of the voters.

(d) If all of the subject districts are landowner-voter districts, the respective voting power thereof shall be deemed to be the assessed value of land, as shown on the last equalized assessment roll of the county, within each such district.

(e) If the subject districts consist of any landowner-voter district and also any city or resident-voter district, the respective voting power thereof shall be computed and equated in the manner provided in Section 56118, except that computation may be made for such date, not earlier than 21 days before the close of registration, as provided in the Elections Code, next preceding the date of the election nor later than such close of registration, as the board of supervisors may specify.

56443. After the canvass of the returns of the special election upon the question of reorganization, the board of supervisors shall adopt a resolution either:

(a) Confirming the order of reorganization,

(1) Where there was no major district and such question was favored by a majority of the votes cast thereon within the entire territory within which said election was held, or

(2) Where there was a major district and such question was favored (i) by a majority of the votes cast thereon within the major district and, in addition, (ii) by a majority of the combined votes cast thereon within all of the minor districts; or

(b) Determining the order of reorganization defeated by failure to receive the required vote.

CHAPTER 8. COMPLETION AND EFFECTIVE DATE OF A CHANGE OF ORGANIZATION OR REORGANIZATION

56450. Immediately after adoption of a resolution ordering a change of organization or reorganization without election, or a resolution confirming an order for a change of organization or reorganization after confirmation by the voters, the clerk of the legislative body adopting any such resolution shall make the filings provided by this chapter.

56451. The clerk shall prepare and execute a certificate of completion. Said certificate shall contain:

(a) The names of each district or city for which a change of organization was ordered and the names of each county within which any of said districts or cities are located.

(b) The kind or type of change of organization ordered for each such city or district.

(c) A description of the boundaries of any new district ordered formed or of any territory ordered to be annexed to or detached from any existing district, which description may be made by reference to the boundaries shown on a map attached to such certificate.

(d) Any terms and conditions of the change of organization or reorganization.

(e) The date of adoption of the resolution ordering the change of organization or reorganization without election or the resolution confirming an order for a change of organization or reorganization after confirmation by the voters.

If any such resolution contains all or any part of the information required to be contained in the above certificate, the clerk may attach a certified copy of said resolution to his certificate and refer to said resolution for such information.

56452. The clerk shall file his certificate of completion with the Secretary of State. Thereupon the Secretary of State shall execute a certificate of filing identifying the certificate of completion filed with him and stating the date of such filing. The Secretary of State shall transmit to said clerk a counterpart original of the certificate of filing for each county named in said clerk's certificate of completion.

56453. After receipt of the Secretary of State's certificate of filing, the clerk shall record the following with the county recorder of each county in which all or any part of said district is located:

(a) A counterpart original of the clerk's certificate of completion; and

(b) The original or a counterpart original of the Secretary of State's certificate of filing.

56454. The change of organization or reorganization shall be complete from the date of filing the certificate of completion with the Secretary of State and effective from the dates specified in Sections 56455 and 56456.

56455. If no effective date shall have been fixed in any of the terms and conditions, the effective date of a change of or-

ganization or a reorganization shall be the date of the recordation made with the county recorder and, if filed with the recorder of more than one county, the date of the last such recordation.

56456. If an effective date is fixed in the terms and conditions, such date shall be the effective date of a change of organization or reorganization.

No effective date shall be fixed which will be:

(a) Earlier than the date of recordation with the county recorder, or

(b) Later than the earlier of:

(1) One year after the date of filing the certificate of completion with the Secretary of State, or

(2) The due date of any taxes or assessments levied upon property within the territory which was the subject of the change of organization or reorganization.

56457. The tax or assessment levying authority of a city or district shall also make such filings as may be provided for by Chapter 8 (commencing at Section 54900) of Part 1, Division 2, Title 5, and for such purpose a change of organization or reorganization shall be deemed to be effective from the date of filing of the certificate of completion with the Secretary of State.

CHAPTER 9. TERMS AND CONDITIONS; EFFECT OF CHANGE OF ORGANIZATION OR REORGANIZATION

Article 1. General

56470 Any change of organization or reorganization may provide for or be made subject to one or more of the following terms and conditions:

(a) The payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of any city, county or district.

(b) The levying or fixing and the collection of (i) special, extraordinary or additional taxes or assessments, or (ii) special, extraordinary or additional service charges, rentals or rates, or (iii) both, for the purpose of providing for any payment required pursuant to subdivision (a) of this section.

(c) The imposition, exemption, transfer, division or apportionment, as among any affected cities, counties and districts of liability for payment of all or any part of principal, interest and any other amounts which shall become due on account of all or any part of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of any city, county, district or any improvement district therein and the levying or fixing and the collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates or, (iii) both, as may be necessary to provide for such payment.

(d) If, as a result of any term or condition made pursuant to subdivision (c), the liability of any affected city, county or district for payment of the principal of any bonded indebtedness shall be increased or decreased, said term and condition may specify the amount, if any, of such increase or decrease which shall be included in or excluded from the outstanding bonded indebtedness of any such agency for the purpose of the application of any statute or charter provision imposing a limitation upon the principal amount of outstanding bonded indebtedness of such agency.

(e) The formation of a new improvement district or districts or the annexation or detachment of territory to or from any existing improvement district or districts.

(f) The incurring of new indebtedness or liability by or on behalf of all or any part of any district or of any existing or proposed new improvement district therein.

(g) The issuance and sale of any bonds, including authorized but unissued bonds.

(h) The acquisition, improvement, disposition, sale, transfer or division of any property, real or personal.

(i) The disposition, transfer or division of any moneys or funds (including cash on hand and moneys due but uncollected) and any other obligations.

(j) The fixing and establishment of priorities of use or right of use of water, or capacity rights in any public improvements or facilities or of any other property, real or personal.

(k) The establishment, continuation or termination of any office, department or board, or the transfer, combining, consolidation, or separation of any offices, departments or boards, or any of the functions thereof, if, and to the extent that, any such matters shall be authorized by the principal act.

(*l*) The employment, transfer or discharge of employees, the continuation, modification or termination of existing employment contracts, civil service rights, seniority rights, retirement rights and other employee benefits and rights.

(m) The designation of a city, county or district, as the successor to any district which shall be extinguished as a result of any change of organization or reorganization, for the purpose of succeeding to all of the rights, duties and obligations of the extinguished district with respect to enforcement, performance or payment of any outstanding bonds, including revenue bonds, or other contracts and obligations of said extinguished district.

(n) The designation (i) of the method for the selection of members of the legislative body of a district or (ii) the number of such members, (iii) or both, where the proceedings are for a consolidation, or a reorganization providing for a consolidation or formation of a new district and the principal act provides for alternative methods of such selection or for varying numbers of such members, or both.

(o) The fixing of the effective date of any change of organization, subject to the limitations of Section 56456.

(p) Any terms and conditions authorized or required by the principal act with respect to any change of organization.

(q) Any other matters necessary or incidental to any of the foregoing.

56471. The general provisions of Articles 2 (commencing with Section 56480) to 7 (commencing with Section 56550), inclusive, of this chapter shall apply only if and to the extent that the terms and conditions of any change of organization or reorganization shall fail to make specific provision for any of the matters referred to in said articles. If a change of organization or a reorganization shall specifically provide for and be made subject to any of the terms and conditions authorized by Section 56470, such specific terms and conditions shall control over the general provisions of said Articles 2 to 7, inclusive, of this chapter. Any of said terms and conditions may be provided for and be made applicable to any affected county, city or district, to all or any part of the territory thereof, to any territory proposed to be annexed thereto and to the owner or owners of property within any such territory.

56472. Proposed terms and conditions for a change of organization or a reorganization may be contained in any proposal therefor. At any time prior to completion of a change of organization or a reorganization, proposed terms and conditions or proposed additions, deletions, amendments or revisions of any terms and conditions proposed to or specified by the commission may be submitted to the commission for its consideration by any affected county, city or district or by any landowner, voter, taxpayer, inhabitant, consumer or other interested person

56473. Any of the terms and conditions authorized by Section 56470 may be made applicable to all or any part of any district or any improvement district therein or any territory annexed to or detached from any such district or improvement district therein.

56474. If any change of organization or reorganization shall pertain to district territory which shall be located, in whole or in part, within the boundaries of any city or county, any terms and conditions authorized by Section 56470 may be made applicable to such city or county; provided, that no indebtedness or liability which shall be subject to the requirement of an election, under the provisions of Section 18 of Article XI of the Constitution, shall be incurred or assumed by any city or county, except as provided in said Section 18 of Article XI.

56475. If no determination is made pursuant to subdivision (d) of Section 56470, the principal amount of bonded indebtedness which may be incurred or assumed by any city, county or district, under any statute or charter provision imposing a limitation thereon, shall not be affected by any change of organization or a reorganization.

Article 2. Annexations

56480. Upon and after the effective date of an annexation, the territory annexed to a district, all inhabitants within such territory and all persons entitled to vote by reason of residing or owning land within such territory shall be subject to the jurisdiction of such district and, except as otherwise provided in this article, shall have the same rights and duties as if said territory had been a part of such district upon its original formation.

56481. No payment for the use or right of use of the existing property, real or personal, of any district shall be required by reason of the annexation of territory to such district.

56482. Any territory annexed to a district shall be liable for payment of principal, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of said district, but not of any improvement district therein, and shall be subject to the levying or fixing and collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates, or (iii) both, as may be necessary to provide for such payment.

Article 3. Detachments

56490. Except as otherwise provided in Section 56492, upon and after the effective date of a detachment, the territory detached from a district, all inhabitants within such territory and all persons formerly entitled to vote by reason of residing or owning land within such territory shall cease to be subject to the jurisdiction of said district and shall have none of the rights or duties of the remaining territory, inhabitants or voters of said district.

56491. No inhabitant, property owner, taxpayer, consumer or user within territory detached from a district shall be entitled (i) to all or any part or to any payment on account of the moneys or funds (including cash on hand and moneys due but uncollected) or any property, real or personal, of said district or (ii) to any refund by reason of any taxes, assessments, service charges, rentals or rates collected prior to the effective date of the detachment.

56492. Territory detached from a district shall continue to be liable for the payment of principal, interest and any other amounts which shall become due on account of any bonds, including revenue bonds, or other contracts or obligations of said district and any improvement district within which said detached territory shall have been situated, as shall be outstanding on the effective date of detachment and shall be subject to the levying or fixing and collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates, or (iii) both, as may be necessary to provide for such payment.

Article 4. Dissolutions

56500. Upon and after the effective date of the dissolution of a district, the district shall be dissolved, disincorporated and extinguished, its existence shall be terminated and all of its corporate powers shall cease, except for the purpose of winding up the affairs of said district and as otherwise provided in this article.

56501. For the purpose of winding up the affairs of a dissolved district, the successor of the dissolved district shall be determined as follows:

(a) If the territory of a dissolved district shall be located entirely within the incorporated territory of a single city, said city shall be the successor.

(b) If the territory of a dissolved district shall be located entirely within the unincorporated territory of a single county, said county shall be the successor.

(c) If the territory of a dissolved district shall be located within the incorporated territory of more than one city or the unincorporated territory of more than one county, or any combination of the incorporated or unincorporated territory of two or more such cities and counties, the successor shall be that city whose incorporated territory or that county whose unincorporated territory shall, upon the effective date of dissolution, contain the greater assessed value of all taxable property within the territory of the dissolved district, as shown on the last equalized assessment roll or rolls of the county or counties.

(d) If the terms and conditions provide that all of the remaining assets of a dissolved district shall be distributed:

(1) To a single existing district, said single existing district shall be the successor; or

(2) To two or more existing districts, the successor shall be that existing district which, upon the effective date of dissolution, contains the greater assessed value of all taxable property within the territory of the dissolved district, as shown on the last equalized assessment roll or rolls of the county or counties.

56502. Upon the effective date of dissolution control over all of the moneys or funds (including cash on hand and moneys due but uncollected) and all property, real or personal, of said dissolved district shall be vested in the successor for the purpose of winding up the affairs of the district.

56503. For the sole and exclusive purpose of winding up the affairs of the dissolved district, the successor and the officers and legislative body of the successor shall have the same powers and duties as the dissolved district and the officers and legislative body of the dissolved district and the following additional powers and duties:

(a) To exchange, sell or otherwise dispose of all property, real and personal, of the dissolved district;

(b) To compromise and settle claims of every kind and nature;

(c) To sue or be sued in the same manner and to the same extent as the dissolved district and the officers and legislative body of the dissolved district.

Such powers and duties shall commence upon the effective date of dissolution and shall continue thereafter until such time as the affairs of said dissolved district shall have been completely wound up.

56504. No inhabitant, property owner, taxpayer, consumer or user within the territory of a dissolved district shall be entitled (i) to all or any part, or to any payment on account of the moneys or funds (including cash on hand and moneys due but uncollected), and any property, real or personal, of said dissolved district or (ii) to any refund by reason of any taxes, assessments, service charges, rentals or rates collected prior to the effective date of dissolution.

56505. Any moneys and funds of the dissolved district and any moneys or funds received by the successor from the sale or other disposition of any property, real or personal, of the dissolved district shall be used to the extent necessary, for the payment of principal, interest and any other amounts then or thereafter due on account of any outstanding bonds, including revenue bonds, and other contracts or obligations of said dissolved district.

56506 At such time as the successor shall determine that payment, or provision for payment, has been made of all short-term obligations of the dissolved district, the successor shall distribute any of the remaining assets of the dissolved district in the manner provided in Section 56507. "Short-term" obligations shall include all amounts which shall be due and payable, prior to the end of the fiscal year commencing next after the effective date of dissolution, upon any outstanding bonds, including revenue bonds, and other contracts or obligations of the dissolved district. All other obligations shall be "long-term" obligations.

56507. Remaining assets of the dissolved district shall be distributed by the successor as follows:

(a) If the territory of the dissolved district shall be located entirely within the incorporated territory of a single city, all such assets shall be distributed to said city.

(b) If the territory of the dissolved district shall be located entirely within the unincorporated territory of a single county, all such assets of the dissolved district shall be distributed to said county.

(c) If the territory of a dissolved district shall be located within the incorporated territory of more than one city, or the unincorporated territory of more than one county, or any combination of the incorporated or unincorporated territory of two or more such cities and counties, the assets of the dissolved district shall be apportioned between all such cities and counties and distributed as follows:

(1) All real property located within the incorporated territory of any city or within the unincorporated territory of

any county, as the case may be, shall be distributed to such city or county.

(2) All moneys or funds (including cash on hand and money due but uncollected) and all personal property shall be divided among and distributed to each such city or county in the proportion that the assesssed value of the taxable property of the dissolved district within the incorporated territory of each such city or within the unincorporated territory of each such county shall bear to the total assessed value of all taxable property within the dissolved district, such assessed values being those shown upon the last equalized assessment roll or rolls of the county or counties upon the effective date of the dissolution.

56508. Until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of any outstanding long-term obligations, which are payable in whole or in part from taxes or assessments upon any property within all or any part of the territory of a dissolved district, the legislative body of the successor shall in each year provide for the levy and collection of taxes or assessments upon such property sufficient to pay any principal, interest and any other amounts owing on account of such obligations, as the same become due. Such taxes or assessments shall be levied and collected in the manner provided by the principal act of the dissolved district.

56509. Until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of any outstanding bonds, contracts or other obligations which are payable in whole or in part from the revenues of a revenue-producing enterprise of the dissolved district, the successor shall not:

(a) Sell, encumber or otherwise dispose of all or any part of the revenue-producing enterprise or the revenues derived therefrom, except as expressly authorized by the ordinance, resolution or indenture authorizing or providing for the issuance of any of said bonds, contracts or other obligations; or

(b) Distribute less than the whole of the revenue-producing enterprise to any city or county.

56510. If at the time of distribution more than one city or county or any combination thereof, shall be entitled to distribution of portions of a revenue-producing enterprise but the successor shall be unable to distribute the same by reason of the provisions of Section 56509, the successor shall retain such revenue-producing enterprise and all revenues derived therefrom until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of outstanding bonds, contracts or other obligations which are payable in whole or in part from the revenues of such enterprise, at which time the successor shall distribute said enterprise and any revenues derived therefrom in accordance with Section 56507.

56511. Where any bonds, contracts or other obligations which are payable in whole or in part from the revenues of a revenue-producing enterprise are outstanding upon the effective date of dissolution, the successor, prior to distribution, or any city or county, after distribution, shall succeed to all rights and liabilities of the dissolved district under any ordinance, resolution or indenture authorizing such bonds, contracts or other obligations or providing for the issuance thereof and may sue or be sued upon such rights and liability in the same manner and to the same extent as the dissolved district.

56512. Any funds, money or property of a dissolved district which shall have been impressed with any public trust, use or purpose shall continue to be so impressed until such public trust, use or purpose is vacated, abandoned or terminated, in the manner provided by law.

56513. Subject to the provisions of Section 56512, any funds, money or property of a dissolved district may be used by the successor for the purpose of winding up the affairs of such district and, after distribution to any city, county or district may be used for any lawful purpose of any such city, county or district to which the same shall have been distributed. So far as may be practicable, any such funds, money or property shall be used for the benefit of the lands, inhabitants and taxpayers within the territory of the dissolved district.

Article 5. Consolidation

56520. Upon and after the effective date of a consolidation, the consolidated district shall succeed to all of the powers, rights, duties, obligations, functions and properties of all predecessor districts which shall have been united or joined into said consolidated district. The territory of a consolidated district, all inhabitants within such territory and all persons entitled to vote by reason of residing or owning land within such territory shall be subject to the jurisdiction of such consolidated district and, except as otherwise provided in this article, shall have the same rights and duties as if said consolidated district had been originally formed under the principal act.

56521. No payment for the use or right of use of any property, real or personal, acquired or constructed by any predecessor district shall be required by reason of the consolidation of such district with other predecessor districts.

56522. The territory of a consolidated district shall be liable for payment of principal, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of all predecessor districts, and shall be subject to the levying or fixing and collection of any (i) taxes or assessments, or (ii) service charges, rentals or rates, or (iii) both, as may be necessary to provide for such payment; provided, that only the territory within an

improvement district shall be liable for any such payment required on account of any bonds, including revenue bonds, or other contracts theretofore authorized or issued by or on behalf of such improvement district.

Article 6. Mergers and the Establishment of Subsidiary Districts

56530. Upon and after the effective date of a merger of a district of limited powers with a city, the district shall be extinguished, terminated and its existence shall cease, except as otherwise provided in this article.

56531. Upon the effective date of a merger, all of the moneys or funds (including cash on hand and moneys due but uncollected) and all property, real or personal, of the merged district shall be vested in the city.

56532. No inhabitant, property owner, taxpayer, consumer or user within the territory of a merged district shall be entitled (i) to all or any part, or to any payment on account of the moneys or funds (including cash on hand and moneys due but uncollected) and any property, real or personal, of said merged district or (ii) to any refund by reason of any taxes, assessments, service charges, rentals or rates collected prior to the effective date of merger.

56533. Any moneys and funds of the merged district and any moneys or funds received by the city from the sale or other disposition of any property, real or personal, of the merged district shall be used, to the extent necessary, for the payment of principal, interest and any other amounts then or thereafter due on account of any outstanding bonds, including revenue bonds, and other contracts and obligations of said merged district.

56534. Until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of any outstanding obligations, which are payable in whole or in part from taxes or assessments upon any property within all or any part of the territory of a merged district, the city council shall in each year provide for the levy and collection of taxes and assessments upon such property sufficient to pay any principal, interest and any other amounts owing on account of such obligations, as the same becomes due. Such taxes and assessments shall be levied and collected in the manner provided by the principal act of the merged district.

56535. Until payment, or provision for payment, has been made of all principal, interest and any other amounts owing on account of any outstanding bonds, contracts or other obligations which are payable in whole or in part from the revenues of a revenue-producing enterprise of the merged district, the city shall not sell, encumber or otherwise dispose of all or any part of the revenue-producing enterprise or the revenues derived therefrom, except as expressly authorized by the ordinance, resolution or indenture authorizing such bonds, con-

tracts or other obligations or providing for the issuance of any thereof.

56536. Where any bonds, including revenue bonds, contracts or other obligations of the merged district are outstanding upon the effective date of merger, the city shall succeed to all of the rights and liabilities of the merged district under any ordinance, resolution, indenture, contract or other obligation or providing for or authorizing the issuance of any thereof and may sue and be sued upon such rights and liabilities in the same manner and to the same extent as the merged district.

56537. Any funds, money or property of a merged district which shall have been impressed with any public trust, use or purpose shall continue to be so impressed until such public trust, use or purpose is vacated, abandoned or terminated, in the manner provided by law.

56538. Subject to the provisions of Section 56537, any funds, money or property of a merged district may be used for any lawful purpose of the city. So far as may be practicable, any such funds, money or property shall be used for the benefit of the lands, inhabitants and taxpayers within the territory of the merged district.

56539. Upon and after the effective date of an order establishing a district of limited powers as a subsidiary district of a city, the city council of said city shall be designated as, and empowered to act as, ex officio the board of directors of such district. Such district shall continue in existence with all of the powers, rights, duties, obligations and functions provided for by the principal act, except for any provisions relating to the selection or removal of the members of the board of directors of such district.

56540. If any court shall determine that any incompatibility shall exist by reason of the same person or persons holding office both as a member of the city council and as a member of the board of directors of a subsidiary district, the court shall order the vacation of the office of any such person as a member of such board of directors, but not as a member of such city council, and shall order the membership of such board of directors to be selected in the manner provided by the principal act.

Article 7. Reorganizations

56550. Upon and after the effective date of a reorganization, each change of organization ordered for any of the subject districts shall be given the force and effect pertaining to a change of organization of that type, as provided in Articles 2 (commencing with Section 56480) to 6 (commencing with Section 56530), inclusive, of this chapter.

SEC. 3. Article 5 (commencing with Section 27701) of Chapter 4, Division 20, Part 4 of the Education Code is repealed.

SEC. 4. Section 27759 of said code is repealed.

SEC. 5. Section 27760 of said code is repealed.

SEC. 6. Section 27761 of said code is repealed.

SEC. 33.5. Section 53064 of said code is repealed.

SEC. 34. Chapter 10 (commencing with Section 54970) of Part 1, Division 2, Title 5 of said code is repealed.

SEC. 35. Article 8 (commencing with Section 58230) of Chapter 1, Division 1, Title 6 of said code is repealed.

SEC. 35.5. Article 8.5 (commencing with Section 58250) of Chapter 1, Division 1, Title 6 of said code is repealed.

SEC. 36. Article 9 (commencing with Section 58260) of Chapter 1, Division 1, Title 6 of said code is repealed.

SEC. 37. Section 58300 of said code is repealed.

SEC. 38. Section 58301 of said code is repealed.

SEC. 39. Section 58302 of said code is repealed.

SEC. 40. Section 58303 of said code is repealed.

SEC. 41. Section 58304 of said code is repealed.

SEC. 42. Section 58305 of said code is repealed.

SEC. 43. Section 58306 of said code is repealed.

SEC. 44. Section 58307 of said code is repealed.

SEC. 45. Section 58308 of said code is repealed.

SEC. 46. Chapter 4 (commencing with Section 58950) of Division 1, Title 6 of said code is repealed.

SEC. 47. Section 61802 of said code is repealed.

SEC. 48. Section 61803 of said code is repealed.

SEC. 49. Section 61804 of said code is repealed.

SEC. 50. Section 61805 of said code is repealed.

SEC. 51. Section 61806 of said code is repealed.

SEC. 52. Section 61807 of said code is repealed.

SEC. 53. Section 61808 of said code is repealed.

SEC. 54. Section 61809 of said code is repealed.

SEC. 55. Section 61810 of said code is repealed.

SEC. 56. Section 61811 of said code is repealed.

SEC. 57. Section 61812 of said code is repealed.

SEC. 58. Section 61813 of said code is repealed.

SEC. 59. Section 61814 of said code is repealed.

SEC. 60. Section 61815 of said code is repealed.

SEC. 61. Section 61816 of said code is repealed.

SEC. 62. Section 61817 of said code is repealed.

SEC. 63. Section 61818 of said code is repealed.

SEC. 64. Section 61819 of said code is repealed.

SEC. 65. Section 61820 of said code is repealed.

SEC. 66. Section 61821 of said code is repealed.

SEC. 67. Section 61822 of said code is repealed.

SEC. 68. Section 61823 of said code is repealed.

SEC. 69. Section 61824 of said code is repealed.

SEC. 70. Section 61825 of said code is repealed.

SEC. 71. Section 61826 of said code is repealed.

SEC. 72. Section 61827 of said code is repealed.

SEC. 73. Section 61828 of said code is repealed.

SEC. 74. Section 61829 of said code is repealed.

SEC. 75. Section 61830 of said code is repealed.

SEC. 76. Chapter 2 (commencing with Section 61850) of Part 7, Division 2, Title 6 of said code is repealed.

SEC. 77. Chapter 3 (commencing with Section 61890) of Part 7, Division 2, Title 6 of said code is repealed.

SEC. 78. Chapter 4 (commencing with Section 61900) of Part 7, Division 2, Title 6 of said code is repealed.

SEC. 79. Chapter 5 (commencing with Section 61930) of Part 7, Division 2, Title 6 of said code is repealed.

SEC. 80. Section 6111 of the Harbors and Navigation Code is repealed.

SEC. 81. Section 7281 of said code is repealed.

SEC. 82. Section 7282 of said code is repealed.

SEC. 83. Section 7283 of said code is repealed.

SEC. 84. Section 7284 of said code is repealed.

SEC. 85. Section 7285 of said code is repealed.

SEC. 86. Section 7286 of said code is repealed.

SEC. 87. Section 7287 of said code is repealed.

SEC. 88. Section 7288 of said code is repealed.

SEC. 89 Section 7289 of said code is repealed.

SEC. 90. Section 7290 of said code is repealed.

SEC. 91. Section 7291 of said code is repealed.

SEC. 92. Section 7292 of said code is repealed.

SEC. 93. Article 2 (commencing with Section 7300) of Chapter 8 of Part 7 of said code is repealed.

SEC. 94. Article 3 (commencing with Section 7320) of Chapter 8 of Part 7 of said code is repealed.

SEC. 95 Article 4 (commencing with Section 1230) of Chapter 1 of Division 6 of the Military and Veterans Code is repealed.

SEC. 96. Article 5 (commencing with Section 1250) of Chapter 1, Division 6 of said code is repealed.

SEC. 104. Section 2331 of the Health and Safety Code is repealed.

SEC. 105. Section 2332 of said code is repealed.

SEC. 106. Section 2333 of said code is repealed.

SEC. 107. Section 2333 5 of said code is repealed.

SEC 108 Section 2333 6 of said code is repealed.

SEC. 109. Section 2334 of said code is repealed.

SEC. 110. Section 2335 of said code is repealed.

SEC. 111. Section 2336 of said code is repealed.

SEC. 112. Section 2337 of said code is repealed.

SEC. 113. Section 2338 of said code is repealed.

SEC. 114. Section 2339 of said code is repealed.

SEC. 115. Section 2340 of said code is repealed.

SEC. 116 Section 2341 of said code is repealed.

SEC. 117. Section 2342 of said code is repealed.

SEC. 118. Section 2343 of said code is repealed.

SEC. 119. Article 6 5 (commencing with Section 2350) of Chapter 5, Division 3 of said code is repealed.

SEC. 120. Section 2361 of said code is repealed.

SEC. 121. Section 2362 of said code is repealed.

SEC. 122. Section 2367 of said code is repealed.

SEC. 123. Section 2368 of said code is repealed.

SEC. 124. Section 2369 of said code is repealed.

SEC. 125. Section 2370 of said code is repealed.
SEC. 126. Section 2371 of said code is repealed.
SEC. 127. Section 2372 of said code is repealed.
SEC. 128. Section 2373 of said code is repealed.
SEC. 129. Section 2374 of said code is repealed.
SEC. 130. Section 2375 of said code is repealed.
SEC. 131. Article 8 (commencing with Section 2390) of Chapter 5, Division 3 of said code is repealed.
SEC. 132. Article 9 (commencing with Section 2400) of Chapter 5, Division 3 of said code is repealed.
SEC. 133. Section 2901 of said code is repealed.
SEC. 134. Section 2911 of said code is repealed.
SEC. 135. Article 6 (commencing with Section 2920) of Chapter 8, Division 3 of said code is repealed.
SEC. 136. Article 7 (commencing with Section 2930) of Chapter 8, Division 3 of said code is repealed.
SEC. 137. Section 4136 of said code is repealed.
SEC. 138. Section 4137 of said code is repealed.
SEC. 139. Section 4138 of said code is repealed.
SEC. 140. Section 4139 of said code is repealed.
SEC. 141. Article 6 (commencing with Section 4143) of Chapter 1, Part 2, Division 5 of said code is repealed.
SEC. 142. Article 7 (commencing with Section 4160) of Chapter 1, Part 2, Division 5 of said code is repealed.
SEC. 143. Article 8 (commencing with Section 4165) of Chapter 1, Part 2, Division 5 of said code is repealed.
SEC. 144. Section 4188 of said code is repealed.
SEC. 145. Section 4189 of said code is repealed.
SEC. 146. Section 4190 of said code is repealed.
SEC. 147. Section 4191 of said code is repealed.
SEC. 148. Section 4192 of said code is repealed.
SEC. 149. Section 4193 of said code is repealed.
SEC. 150. Article 8 (commencing with Section 4194) of Chapter 1.5, Part 2, Division 5 of said code is repealed.
SEC. 151. Article 2.5 (commencing with Section 4720) of Chapter 3, Part 3, Division 5 of said code is repealed.
SEC. 152. Section 4831.7 of said code is repealed.
SEC. 153. Section 4832 of said code is repealed.
SEC. 154. Section 4834 of said code is repealed.
SEC. 155. Section 4845.05 of said code is repealed.
SEC. 156. Section 4845.06 of said code is repealed.
SEC. 157. Section 4845.07 of said code is repealed.
SEC. 158. Section 4845.08 of said code is repealed.
SEC. 159. Section 4845.09 of said code is repealed.
SEC. 160. Section 4845.1 of said code is repealed.
SEC. 161. Section 4845.12 of said code is repealed.
SEC. 162. Section 4845.13 of said code is repealed.
SEC. 163. Article 8b (commencing with Section 4845.20) of Chapter 3, Part 3, Division 5 of said code is repealed.
SEC. 164. Article 9 (commencing with Section 4850) of Chapter 3, Part 3, Division 5 of said code is repealed.

SEC. 165. Article 10 (commencing with Section 4857) of Chapter 3, Part 3, Division 5 of said code is repealed.

SEC. 166. Article 4 (commencing with Section 6625) of Chapter 5, Part 1, Division 6 of said code is repealed.

SEC. 167. Article 2 (commencing with Section 6660) of Chapter 6, Part 1, Division 6 of said code is repealed.

SEC. 168. Article 2 (commencing with Section 6840) of Chapter 9, Part 1, Division 6 of said code is repealed.

SEC. 169. Article 3 (commencing with Section 6870) of Chapter 9, Part 1, Division 6 of said code is repealed

SEC. 170. Article 4 (commencing with Section 6885) of Chapter 9, Part 1, Division 6 of said code is repealed.

SEC. 171. Chapter 9.5 (commencing with Section 6890) of Part 1, Division 6 of said code is repealed.

SEC. 172. Chapter 10 (commencing with Section 6900) of Part 1, Division 6 of said code is repealed.

SEC. 173. Chapter 11 (commencing with Section 6910) of Part 1, Division 6 of said code is repealed.

SEC. 174 Section 9026 of said code is repealed.

SEC. 175. Section 9027 of said code is repealed.

SEC. 176 Article 2 (commencing with Section 9050) of Chapter 9 of Part 4, Division 8 of said code is repealed.

SEC. 177. Chapter 10 (commencing with Section 9075) of Part 4, Division 8 of said code is repealed.

SEC. 178. Section 13945 of said code is repealed.

SEC. 178.1. Section 13946 of said code is repealed.

SEC. 178 2. Section 13947 of said code is repealed.

SEC. 178 3. Section 13949 of said code is repealed.

SEC. 178.4. Section 13955 of said code is repealed.

SEC. 178 5. Section 13956 of said code is repealed.

SEC. 178.6. Section 13957 of said code is repealed.

SEC. 178.7. Section 13959 of said code is repealed.

SEC. 178.8. Section 13960 of said code is repealed.

SEC. 179. Chapter 10 (commencing with Section 13965) of Part 2.7, Division 12 of said code is repealed.

SEC. 180. Section 14211 of said code is repealed.

SEC. 180.1. Section 14213 of said code is repealed.

SEC. 180.2. Section 14214 of said code is repealed.

SEC. 180.3. Section 14215 of said code is repealed.

SEC. 180.4. Section 14215.5 of said code is repealed.

SEC. 180.5. Section 14216 of said code is repealed.

SEC. 180.6. Section 14217 of said code is repealed.

SEC. 180.7. Section 14220 of said code is repealed.

SEC. 180.8. Section 14222 of said code is repealed.

SEC. 181. Article 8.5 (commencing with Section 14225) of Chapter 1, Part 3 of Division 12 of said code is repealed.

SEC. 182. Article 9 (commencing with Section 14231) of Chapter 1, Part 3 of Division 12 of said code is repealed.

SEC. 183. Article 10 (commencing with Section 14251) of Chapter 1, Part 3 of Division 12 of said code is repealed.

SEC. 190. Section 14511 of said code is repealed.

SEC. 191. Section 14512 of said code is repealed.

SEC. 192. Section 14513 of said code is repealed.
SEC. 193. Section 14514 of said code is repealed.
SEC. 194. Section 14515 of said code is repealed.
SEC. 195. Section 14516 of said code is repealed.
SEC. 196. Article 10 (commencing with Section 14525) of Chapter 2, Part 3, Division 12 of said code is repealed.
SEC 198. Article 12 (commencing with Section 14560) of Chapter 2, Part 3, Division 12 of said code is repealed.
SEC. 199. Article 13 (commencing with Section 14580) of Chapter 2, Part 3, Division 12 of said code is repealed.
SEC. 200. Section 14605 of said code is repealed.
SEC. 201. Section 14721 of said code is repealed.
SEC. 202. Section 14722 of said code is repealed.
SEC. 203 Section 14723 of said code is repealed.
SEC. 204. Section 14724 of said code is repealed.
SEC. 205. Section 14725 of said code is repealed.
SEC. 206. Section 14726 of said code is repealed.
SEC. 207. Section 14727 of said code is repealed.
SEC. 208. Section 14728 of said code is repealed.
SEC. 209. Article 8 (commencing with Section 14735 of Chapter 3, Part 3, Division 12 of said code is repealed.
SEC. 210. Article 8.5 (commencing with Section 14751) of Chapter 3, Part 3, Division 12 of said code is repealed.
SEC. 211. Article 9 (commencing with Section 14760) of Chapter 3, Part 3, Division 12 of said code is repealed.
SEC. 212. Article 10 (commencing with Section 14775) of Chapter 3, Part 3, Division 12 of said code is repealed.
SEC. 214. Chapter 5 (commencing with Section 14820) of Part 3, Division 12 of said code is repealed.
SEC. 215. Section 20051 of said code is repealed.
SEC. 216. Section 20052 of said code is repealed.
SEC. 217. Section 20053 of said code is repealed.
SEC. 218. Section 20054 of said code is repealed.
SEC. 219. Section 20055 of said code is repealed.
SEC. 220. Section 20056 of said code is repealed.
SEC. 221. Section 20057 of said code is repealed.
SEC. 222. Article 4.5 (commencing with Section 20120) of Chapter 1, Part 1, Division 14 of said code is repealed.
SEC. 223. Article 5 (commencing with Section 20130) of Chapter 1, Part 1, Division 14 of said code is repealed.
SEC. 224. Article 4 (commencing with Section 20340) of Chapter 2, Part 1, Division 14 of said code is repealed.
SEC. 225. Article 5 (commencing with Section 20350) of Chapter 2, Part 1, Division 14 of said code is repealed.
SEC. 226. Section 32004 of said code is repealed.
SEC. 227. Section 32004.1 of said code is repealed.
SEC. 228. Section 32004.3 of said code is repealed.
SEC. 229. Section 32004.4 of said code is repealed.
SEC. 230. Section 32004.5 of said code is repealed.
SEC. 231. Section 32004.6 of said code is repealed.
SEC. 232. Section 32004.7 of said code is repealed.
SEC. 233. Section 32004.8 of said code is repealed.

SEC. 234. Section 32004.9 of said code is repealed.
SEC. 235. Section 32004.91 of said code is repealed.
SEC. 236. Section 32004.92 of said code is repealed.
SEC. 237. Section 32005 of said code is repealed.
SEC. 238. Section 32005.5 of said code is repealed.
SEC. 239. Section 32006 of said code is repealed.
SEC. 240. Section 32007 of said code is repealed.
SEC. 241. Section 32008 of said code is repealed.
SEC. 242. Section 32009 of said code is repealed.
SEC. 243. Section 32010 of said code is repealed.
SEC. 244. Section 32011 of said code is repealed.
SEC. 245. Chapter 5 (commencing with Section 32400) of Division 23 of said code is repealed.
SEC. 246. Chapter 6 (commencing with Section 32490) of Division 23 of said code is repealed.
SEC. 247. Section 5573 of the Public Resources Code is repealed.
SEC. 248. Section 5574 of said code is repealed.
SEC. 249. Section 5575 of said code is repealed.
SEC. 250. Section 5576 of said code is repealed.
SEC. 251. Section 5577 of said code is repealed.
SEC. 252. Section 5578 of said code is repealed.
SEC. 253. Section 5579 of said code is repealed.
SEC. 254. Section 5580 of said code is repealed.
SEC. 255. Section 5581 of said code is repealed.
SEC. 256. Section 5582 of said code is repealed.
SEC. 257. Section 5583 of said code is repealed.
SEC. 258. Section 5584 of said code is repealed.
SEC. 259. Section 5585 of said code is repealed.
SEC. 260. Section 5586 of said code is repealed.
SEC. 261. Section 5587 of said code is repealed.
SEC. 262. Section 5588 of said code is repealed.
SEC. 263. Section 5589 of said code is repealed.
SEC. 264. Article 7 (commencing with Section 5785) of Chapter 4, Division 5 of said code is repealed.
SEC. 265. Article 8 (commencing with Section 5786) of Chapter 4, Division 5 of said code is repealed.
SEC. 266. Article 9 (commencing with Section 5787) of Chapter 4, Division 5 of said code is repealed.
SEC. 267. Chapter 12 (commencing with Section 13210) of Division 11 of said code is repealed.
SEC. 268. Article 3.5 (commencing with Section 13870) of Chapter 9, Division 6 of the Public Utilities Code is repealed.
SEC. 269. Article 7 (commencing with Section 13951) of Chapter 9, Division 6 of said code is repealed.
SEC. 270. The article heading of Article 1 (commencing with Section 14051) of Chapter 10, Division 6 of said code is repealed.
SEC. 271. Section 14053 of said code is repealed.
SEC. 272. Section 14054 of said code is repealed.
SEC. 273. Section 14055 of said code is repealed.
SEC. 274. Section 14056 of said code is repealed.

SEC. 275. Article 2 (commencing with Section 14081) of Chapter 10, Division 6 of said code is repealed.

SEC. 276. Article 3 (commencing with Section 14111) of Chapter 10, Division 6 of said code is repealed.

SEC. 277. Article 4 (commencing with Section 14141) of Chapter 10, Division 6 of said code is repealed.

SEC. 278. Article 5 (commencing with Section 14161) of Chapter 10, Division 6 of said code is repealed.

SEC. 279. Article 6 (commencing with Section 14191) of Chapter 10, Division 6 of said code is repealed.

SEC. 280. Article 7 (commencing with Section 14211) of Chapter 10, Division 6 of said code is repealed.

SEC. 281. Section 14352 of said code is repealed.

SEC. 282. Section 14353 of said code is repealed.

SEC. 283. Section 14354 of said code is repealed.

SEC. 284. Section 14355 of said code is repealed.

SEC. 285. Section 14356 of said code is repealed.

SEC. 286. Section 14357 of said code is repealed.

SEC. 287. Section 14358 of said code is repealed.

SEC. 288. Section 14359 of said code is repealed.

SEC. 289. Chapter 12 (commencing with Section 14501) of Division 6 of said code is repealed.

SEC. 290. Section 17302 of said code is repealed.

SEC. 291. Section 17303 of said code is repealed.

SEC. 292. Section 17304 of said code is repealed.

SEC. 293. Section 17305 of said code is repealed.

SEC. 294. Section 17306 of said code is repealed.

SEC. 295. Section 17307 of said code is repealed.

SEC. 296. Section 17308 of said code is repealed.

SEC. 297. Section 17309 of said code is repealed.

SEC. 298. Section 17310 of said code is repealed.

SEC. 299. Section 17311 of said code is repealed.

SEC. 300. Section 17312 of said code is repealed.

SEC. 301. Section 17313 of said code is repealed.

SEC. 302. Section 17314 of said code is repealed.

SEC. 303. Section 17315 of said code is repealed.

SEC. 304. Section 17316 of said code is repealed.

SEC. 305. Section 17317 of said code is repealed.

SEC. 306. Section 17318 of said code is repealed.

SEC. 307. Section 17319 of said code is repealed.

SEC. 308. Section 17320 of said code is repealed.

SEC. 309. Section 17321 of said code is repealed.

SEC. 310. Section 17322 of said code is repealed.

SEC. 311. Section 17323 of said code is repealed.

SEC. 312. Section 17324 of said code is repealed.

SEC. 313. Section 17325 of said code is repealed.

SEC. 314. Section 17326 of said code is repealed.

SEC. 315. Section 17327 of said code is repealed.

SEC. 316. Section 17328 of said code is repealed.

SEC. 317. Section 17329 of said code is repealed.

SEC. 318. Section 17330 of said code is repealed.

SEC. 319. Section 17331 of said code is repealed.

SEC. 320. Section 17332 of said code is repealed.
SEC. 321. Section 17380 of said code is repealed.
SEC. 322. Section 17382 of said code is repealed.
SEC. 323. The heading of Article 1 (commencing at Section 17501) of Chapter 9, Division 7 of said code is repealed.
SEC. 324. Section 17502 of said code is repealed.
SEC. 325. Section 17503 of said code is repealed.
SEC. 326. Section 17504 of said code is repealed.
SEC. 327. Section 17505 of said code is repealed.
SEC. 328. Section 17506 of said code is repealed.
SEC. 329. Section 17507 of said code is repealed.
SEC. 330. Section 17508 of said code is repealed.
SEC. 331. Section 17509 of said code is repealed.
SEC. 332. Section 17510 of said code is repealed.
SEC. 333. Article 2 (commencing with Section 17531) of Chapter 9, Division 7 of said code is repealed.
SEC. 334. Chapter 10 (commencing with Section 17701) of Division 7 of said code is repealed.
SEC. 335. Chapter 7 (commencing with Section 22951) of Part 2, Division 9 of said code is repealed.
SEC. 336. Chapter 8 (commencing with Section 22975) of Part 2, Division 9 of said code is repealed.
SEC. 337. Chapter 1 (commencing with Section 26700) of Part 11, Division 11 of the Water Code is repealed.
SEC. 338. Section 26876 of said code is repealed.
SEC. 339. Section 26877 of said code is repealed.
SEC. 340. Section 26878 of said code is repealed.
SEC. 341. Section 26879 of said code is repealed.
SEC. 342. Section 26880 of said code is repealed.
SEC. 343. Section 26881 of said code is repealed.
SEC. 344. Section 26882 of said code is repealed.
SEC. 345. Section 26883 of said code is repealed.
SEC. 346. Section 26884 of said code is repealed.
SEC. 347. Section 26885 of said code is repealed.
SEC. 348. Article 2 (commencing with Section 26900) of Chapter 2 of Part 11, Division 11 of said code is repealed.
SEC. 349. Article 3 (commencing with Section 26930) of Chapter 2 of Part 11, Division 11 of said code is repealed.
SEC. 350. Article 4 (commencing with Section 26965) of Chapter 2 of Part 11, Division 11 of said code is repealed.
SEC. 351. Article 5 (commencing with Section 26985) of Chapter 2 of Part 11, Division 11 of said code is repealed.
SEC. 352. Article 6 (commencing with Section 26995) of Chapter 2 of Part 11, Division 11 of said code is repealed.
SEC. 353. Chapter 2.5 (commencing with Section 27050) of Part 11, Division 11 of said code is repealed.
SEC. 354. Chapter 3 (commencing with Section 27150) of Part 11, Division 11 of said code is repealed.
SEC. 354.5. Chapter 4 (commencing with Section 27400) of Part 11, Division 11 of said code is repealed.
SEC. 355. Chapter 5 (commencing with Section 27700) of Part 11, Division 11 of said code is repealed.

SEC. 356. Chapter 6 (commencing with Section 28000) of Part 11, Division 11 of said code is repealed.

SEC. 357. Chapter 4 (commencing with Section 30090) of Part 1, Division 12 of said code is repealed.

SEC. 358. Section 31183 of said code is repealed.

SEC. 359. Section 31184 of said code is repealed.

SEC. 360. Section 31185 of said code is repealed.

SEC. 361. Section 31186 of said code is repealed.

SEC. 362. Section 31187 of said code is repealed.

SEC. 363. The heading of Article 1 (commencing with Section 32200) of Chapter 1, Part 8, Division 12 of said code is repealed.

SEC. 364. Section 32201 of said code is repealed.

SEC. 365. Section 32202 of said code is repealed.

SEC. 366. Section 32203 of said code is repealed.

SEC. 367. Section 32204 of said code is repealed.

SEC. 368. Section 32205 of said code is repealed.

SEC. 369. Article 2 (commencing with Section 32220) of Chapter 1, Part 8, Division 12 of said code is repealed.

SEC. 370. Article 3 (commencing with Section 32240) of Chapter 1, Part 8, Division 12 of said code is repealed.

SEC. 371. Article 4 (commencing with Section 32300) of Chapter 1, Part 8, Division 12 of said code is repealed.

SEC. 372. The heading of Article 1 (commencing with Section 32400) of Chapter 2, Part 8, Division 12 of said code is repealed.

SEC. 373. Section 32401 of said code is repealed.

SEC. 374. Section 32402 of said code is repealed.

SEC. 375. Section 32403 of said code is repealed.

SEC. 376. Section 32404 of said code is repealed.

SEC. 377. Section 32405 of said code is repealed.

SEC. 378. Section 32406 of said code is repealed.

SEC. 379. Article 2 (commencing with Section 32420) of Chapter 2, Part 8, Division 12 of said code is repealed

SEC. 380. Article 3 (commencing with Section 32440) of Chapter 2, Part 8, Division 12 of said code is repealed.

SEC. 381. Article 4 (commencing with Section 32470) of Chapter 2, Part 8, Division 12 of said code is repealed.

SEC. 382. Article 5 (commencing with Section 32490) of Chapter 2, Part 8, Division 12 of said code is repealed.

SEC. 383. Section 32500 of said code is repealed.

SEC. 383.1. Section 32501 of said code is repealed.

SEC. 383 2. Section 32503 of said code is repealed.

SEC. 383 3. Article 2 (commencing with Section 32510) of Chapter 2 5, Part 8, Division 12 of said code is repealed.

SEC. 383.4. Article 3 (commencing with Section 32520) of Chapter 2.5, Part 8, Division 12 of said code is repealed.

SEC. 383 5 Article 4 (commencing with Section 32530) of Chapter 2 5, Part 8, Division 12 of said code is repealed.

SEC. 383.6. Article 5 (commencing with Section 32540) of Chapter 2.5, Part 8, Division 12 of said code is repealed.

SEC. 383.7. Article 6 (commencing with Section 32550) of Chapter 2.5, Part 8, Division 12 of said code is repealed.

SEC. 383.8. Article 7 (commencing with Section 32560) of Chapter 2.5, Part 8, Division 12 of said code is repealed.

SEC. 384. Chapter 3 (commencing with Section 32650) of Part 8, Division 12 of said code is repealed.

SEC. 385. Chapter 4 (commencing with Section 32850) of Part 8, Division 12 of said code is repealed.

SEC. 386. Chapter 4 (commencing with Section 34075) of Part 1, Division 13 of said code is repealed.

SEC. 387. Section 37301 of said code is repealed.

SEC. 388. Section 37302 of said code is repealed.

SEC. 389. Section 37303 of said code is repealed.

SEC. 390. Section 37304 of said code is repealed.

SEC. 391. Section 37305 of said code is repealed.

SEC. 392. Section 37306 of said code is repealed.

SEC. 393. Article 2 (commencing with Section 37325) of Chapter 1, Part 8, Division 13 of said code is repealed.

SEC. 394. Article 3 (commencing with Section 37350) of Chapter 1, Part 8, Division 13 of said code is repealed.

SEC. 395. Article 4 (commencing with Section 37370) of Chapter 1, Part 8, Division 13 of said code is repealed.

SEC. 396. Section 37486 of said code is repealed.

SEC. 397. Section 37487 of said code is repealed.

SEC. 398. Section 37488 of said code is repealed.

SEC. 399. Section 37489 of said code is repealed.

SEC. 400. Section 37490 of said code is repealed.

SEC. 401. Section 37491 of said code is repealed.

SEC. 402. Section 37492 of said code is repealed.

SEC. 403. Section 37493 of said code is repealed.

SEC. 404. Section 37494 of said code is repealed.

SEC 405. Article 2 (commencing with Section 37505) of Chapter 2, Part 8, Division 13 of said code is repealed.

SEC. 406. Article 3 (commencing with Section 37530) of Chapter 2, Part 8, Division 13 of said code is repealed.

SEC. 407 Article 4 (commencing with Section 37545) of Chapter 2, Part 8, Division 13 of said code is repealed.

SEC. 408. Article 5 (commencing with Section 37560) of Chapter 2, Part 8, Division 13 of said code is repealed.

SEC. 409. Chapter 2.4 (commencing with Section 37590) of Part 8, Division 13 of said code is repealed.

SEC. 410. Chapter 2.5 (commencing with Section 37600) of Part 8, Division 13 of said code is repealed.

SEC. 411. Chapter 3 (commencing with Section 37650) of Part 8, Division 13 of said code is repealed.

SEC. 412. Chapter 4 (commencing with Section 37700) of Part 8, Division 13 of said code is repealed.

SEC. 413. Section 53501 of said code is repealed.

SEC. 414. Section 53502 of said code is repealed.

SEC. 415. Section 53505 of said code is repealed.

SEC. 416. Section 53506 of said code is repealed.

SEC. 417. Section 53507 of said code is repealed.

SEC. 418. Article 1 (commencing with Section 53600) of Chapter 2, Part 10, Division 15 of said code is repealed.

SEC. 419. Article 2 (commencing with Section 53620) of Chapter 2, Part 10, Division 15 of said code is repealed.

SEC. 420. Section 53661 of said code is repealed.

SEC. 421. Section 53662 of said code is repealed.

SEC. 422. Section 53663 of said code is repealed.

SEC. 423. Section 53664 of said code is repealed.

SEC. 424. Section 53665 of said code is repealed.

SEC. 425. Section 53666 of said code is repealed.

SEC. 426. Section 53667 of said code is repealed.

SEC. 427. Section 53668 of said code is repealed.

SEC. 428. Section 53669 of said code is repealed.

SEC. 429. Section 53669.5 of said code is repealed.

SEC. 430. Section 53670 of said code is repealed.

SEC. 431. Section 53671 of said code is repealed.

SEC. 432. Section 53672 of said code is repealed.

SEC. 433. Section 53673 of said code is repealed.

SEC. 434. Section 53674 of said code is repealed.

SEC. 435. Section 53675 of said code is repealed.

SEC. 436. Section 53676 of said code is repealed.

SEC. 437. Section 53677 of said code is repealed.

SEC. 438. Section 53678 of said code is repealed.

SEC. 439. Chapter 3 (commencing with Section 53700) of Part 10, Division 15 of said code is repealed.

SEC. 440. The heading of Article 1 (commencing with Section 55800) of Chapter 1, Part 5, Division 16 of said code is repealed.

SEC. 441. Section 55802 of said code is repealed.

SEC. 442. Section 55803 of said code is repealed.

SEC. 443. Section 55804 of said code is repealed.

SEC. 444. Section 55805 of said code is repealed.

SEC. 445. Section 55806 of said code is repealed.

SEC. 446. Article 2 (commencing with Section 55820) of Chapter 1, Part 5, Division 16 of said code is repealed

SEC. 447. Article 3 (commencing with Section 55840) of Chapter 1, Part 5, Division 16 of said code is repealed

SEC. 448. Article 4 (commencing with Section 55860) of Chapter 1, Part 5, Division 16 of said code is repealed.

SEC. 449. Chapter 2 (commencing with Section 55880) of Part 5, Division 16 of said code is repealed.

SEC. 450. Chapter 2.5 (commencing with Section 55895) of Part 5, Division 16 of said code is repealed.

SEC. 451. Chapter 2 6 (commencing with Section 55905) of Part 5, Division 16 of said code is repealed.

SEC. 452. Chapter 3 (commencing with Section 55910) of Part 5, Division 16 of said code is repealed.

SEC. 453 Chapter 3 5 (commencing with Section 55920) of Part 5, Division 16 of said code is repealed.

SEC. 454. Chapter 4 (commencing with Section 55930) of Part 5, Division 16 of said code is repealed.

SEC 455. Chapter 5 (commencing with Section 55960) of Part 5, Division 16 of said code is repealed.

SEC. 456. Section 56131 of said code is repealed

SEC. 457. Section 56132 of said code is repealed.

SEC. 458. Chapter 10 (commencing with Section 56140) of Part 1, Division 17 of said code is repealed.

SEC. 459. Chapter 9 (commencing with Section 70280) of Part 1, Division 19 of said code is repealed.

SEC. 460. Section 71033 of said code is repealed.

SEC. 461. Article 2 (commencing with Section 72160) of Chapter 1, Part 10, Division 20 of said code is repealed.

SEC. 462. Article 3 (commencing with Section 72180) of Chapter 1, Part 10, Division 20 of said code is repealed.

SEC. 463. Article 4 (commencing with Section 72190) of Chapter 1, Part 10, Division 20 of said code is repealed.

SEC. 464. Article 5 (commencing with Section 72200) of Chapter 1, Part 10, Division 20 of said code is repealed.

SEC. 465. Chapter 2 (commencing with Section 72220) of Part 10, Division 20 of said code is repealed.

SEC. 466. Article 2 (commencing with Section 72310) of Chapter 4, Part 10, Division 20 of said code is repealed.

SEC. 467. Article 3 (commencing with Section 72330) of Chapter 4, Part 10, Division 20 of said code is repealed.

SEC. 468. Article 4 (commencing with Section 72340) of Chapter 4, Part 10, Division 20 of said code is repealed.

SEC. 469. Article 5 (commencing with Section 72350) of Chapter 4, Part 10, Division 20 of said code is repealed.

SEC. 470. Chapter 5 (commencing with Section 72370) of Part 10, Division 20 of said code is repealed.

SEC. 471. Chapter 5.5 (commencing with Section 72540) of Part 10, Division 20 of said code is repealed.

SEC. 472. Chapter 6 (commencing with Section 72550) of Part 10, Division 20 of said code is repealed.

SEC. 473. Chapter 7 (commencing with Section 72630) of Part 10, Division 20 of said code is repealed.

SEC. 474. Section 206 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is repealed.

SEC 475. Section 207 of said act is repealed

SEC. 476. Section 221 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 477. Section 222 of said act is repealed.

SEC. 478 Section 223 of said act is repealed

SEC. 479. Section 224 of said act is repealed

SEC. 480. Section 225 of said act is repealed.

SEC. 481 Section 226 of said act is repealed.

SEC. 482. Section 227 of said act is repealed.

SEC. 483. Section 206 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is repealed.

SEC. 484. Section 207 of said act is repealed.

SEC. 485. Section 208 of said act is repealed.
SEC. 486. Section 209 of said act is repealed.
SEC. 487. Section 210 of said act is repealed.
SEC. 488. Section 211 of said act is repealed.
SEC. 489. Section 212 of said act is repealed.
SEC. 490. Section 206 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is repealed.
SEC. 491. Section 207 of said act is repealed.
SEC. 492. Section 208 of said act is repealed.
SEC. 493. Section 209 of said act is repealed.
SEC. 494. Section 210 of said act is repealed.
SEC. 495. Section 211 of said act is repealed.
SEC. 496. Section 212 of said act is repealed.
SEC. 497. Section 102 of the Cuyamaca Recreation and Park District Act (Chapter 1654 of the Statutes of 1961) is repealed.
SEC. 498. Section 111 of said act is repealed.
SEC. 499. Section 112 of said act is repealed.
SEC. 500. Section 113 of said act is repealed.
SEC. 501. Section 114 of said act is repealed.
SEC. 502. Section 115 of said act is repealed.
SEC. 503. Section 116 of said act is repealed.
SEC. 504. Section 20a of Chapter 158 of the Statutes of 1885 is repealed.
SEC. 505. Section 20½ of said Chapter 158 of the Statutes of 1885 is repealed.
SEC. 506. Section 64 of the Drainage District Act of 1903 (Chapter 238, Statutes of 1903) is repealed.
SEC. 507. Section 65 of said act is repealed.
SEC. 508. Section 66 of said act is repealed.
SEC. 509. Section 67 of said act is repealed.
SEC. 510. Section 68 of said act is repealed.
SEC. 511. Section 69 of said act is repealed.
SEC. 512. Section 70 of said act is repealed.
SEC. 513. Section 73 of said act is repealed.
SEC. 514. Section 74 of said act is repealed.
SEC. 515. Section 75 of said act is repealed.
SEC. 516. Section 76 of said act is repealed.
SEC. 517. Section 77 of said act is repealed.
SEC. 518. Section 78 of said act is repealed.
SEC. 519. Section 79 of said act is repealed.
SEC. 520. Section 80 of said act is repealed.
SEC. 521. Section 81 of said act is repealed.
SEC. 522. Section 82 of said act is repealed.
SEC. 523. Section 83 of said act is repealed.
SEC. 524. Section 84 of said act is repealed.
SEC. 525. Section 85 of said act is repealed.
SEC. 526. Section 86 of said act is repealed.
SEC. 527. Section 99 of said act is repealed.
SEC. 528. Section 100 of said act is repealed.
SEC. 529. Section 101 of said act is repealed.

SEC. 530. Section 102 of said act is repealed.
SEC. 531. Section 103 of said act is repealed.
SEC. 532. Section 104 of said act is repealed.
SEC. 533. Section 105 of said act is repealed.
SEC. 534. Section 106 of said act is repealed.
SEC. 535 Section 54 of the San Diego Unified Port District Act (Chapter 67, Statutes of 1962, First Extraordinary Session) is repealed.
SEC. 536. Section 14 of Chapter 63 of the Statutes of 1880 is repealed.
SEC. 537. Section 26 of Chapter 310 of the Statutes of 1905 is repealed.
SEC. 538. Section 27 of Chapter 310 of the Statutes of 1905 is repealed.
SEC. 539. Section 28 of Chapter 310 of the Statutes of 1905 is repealed.
SEC. 540. Section 29 of Chapter 310 of the Statutes of 1905 is repealed.
SEC. 541. Section 30 of Chapter 310 of the Statutes of 1905 is repealed.
SEC. 542. Section 31 of Chapter 310 of the Statutes of 1905 is repealed.
SEC. 543. Section 32 of Chapter 310 of the Statutes of 1905 is repealed.
SEC. 544. Section 33 of Chapter 310 of the Statutes of 1905 is repealed.
SEC. 545. Section 34 of Chapter 310 of the Statutes of 1905 is repealed.
SEC. 546. Section 62 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 547. Section 63 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 548. Section 64 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 549. Section 65 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 550. Section 66 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 551. Section 67 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 552. Section 68 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 553. Section 71 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 554. Section 72 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 555. Section 73 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 556. Section 75 of Chapter 25 of the Statutes of 1907 is repealed.
SEC. 557. Section 76 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 558. Section 77 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 559. Section 78 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 560. Section 79 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 561. Section 80 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 562. Section 81 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 563. Section 82 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 564. Section 83 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 565. Section 84 of Chapter 25 of the Statutes of 1907 is repealed.

SEC. 566. Section 75 1 of the Citrous Pest District Control Act (Chapter 89 of the Statutes of 1939) is repealed.

SEC. 567. Section 75.2 of said act is repealed.

SEC. 568. Section 75.3 of said act is repealed.

SEC. 569. Section 75.4 of said act is repealed.

SEC. 570. Section 76 of said act is repealed.

SEC. 571. Section 78 of said act is repealed.

SEC. 572. Section 27 of the Storm Water District Act of 1909 (Chapter 222 of the Statutes of 1909) is repealed.

SEC. 573. Section 28 of said act is repealed.

SEC. 574. Section 40 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923) is repealed.

SEC. 575. Section 41 of said act is repealed.

SEC. 576. Section 43 of said act is repealed

SEC 577. Section 44 of said act is repealed.

SEC. 578. Section 45 of said act is repealed.

SEC. 579 Section 46 of said act is repealed.

SEC. 580. Section 47 of said act is repealed.

SEC. 581. Section 48 of said act is repealed.

SEC. 582. Section 49 of said act is repealed.

SEC. 583. Section 50 of said act is repealed.

SEC. 584. Section 51 of said act is repealed.

SEC. 585. Section 52 of said act is repealed.

SEC. 585.1. Section 60 of said act is repealed.

SEC. 593. Section 58001 of the Government Code is amended to read:

58001. It is the purpose of this chapter to make available a procedure for the organization, operation and government of districts.

SEC. 594. Section 6110 of the Harbors and Navigation Code is amended to read:

6110. There may be annexed to a district any of the following territory which is in the same county as the district, or in any other county:

a. Any territory contiguous to the district.

b. Any territory, any point of which touches the district.

c. Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right-of-way, watercourse, lagoon, or other natural barrier.

d. Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

SEC. 595. Section 2360 of the Health and Safety Code is amended to read:

2360. Two or more contiguous mosquito abatement districts may be consolidated.

SEC. 596. Section 2900 of the Health and Safety Code is amended to read:

2900. At any time after the incorporation of a district, land contiguous to it may be annexed, if the board of trustees finds that the annexation will benefit both the land to be annexed and the district.

SEC 597. Section 2910 of the Health and Safety Code is amended to read:

2910. Two or more contiguous pest abatement districts may be consolidated.

SEC. 598. Section 4187 of the Health and Safety Code is amended to read:

4187. The boundaries of any district may be altered, and outlying contiguous territory, whether incorporated or unincorporated, may be annexed.

SEC. 599. Section 4830 of the Health and Safety Code is amended to read:

4830. Territory, whether situated within the same or another county and whether incorporated or unincorporated, which is not included in any other county sanitation district or other district formed for similar purposes, may be annexed to a county sanitation district if the board of supervisors finds and determines that the additional territory will be benefited by annexation. The land proposed to be annexed need not consist of contiguous parcels nor be contiguous with the county sanitation district when such land is within the same county. When land proposed to be annexed is not within the same county such land must be contiguous to the district.

SEC. 600. Section 4831 of the Health and Safety Code is amended to read:

4831. If a refuse transfer or disposal system of the district, or both, is in existence, any territory proposed to be annexed to the district shall be and become a part of said system unless an express finding is made by the district board that said territory proposed to be annexed will not be benefited by its inclusion in said system.

SEC. 601. Section 4831.5 of the Health and Safety Code is amended to read:

4831.5. Property contiguous to a sanitation district but which is situated in a county other than the county in which

the sanitation district has been organized may be annexed to said sanitation district and to any improvement district therein.

SEC. 602. Section 4832.5 of the Health and Safety Code is amended to read:

4832.5. Whenever any territory in another county is annexed to a district it thereupon becomes a part of the district. The board of supervisors of the county in which is situated the annexing territory shall appoint one of its members to sit as a member of the board of directors of said district. All ordinances theretofore and thereafter adopted by the board of directors shall have full force and effect in all portions of the district regardless in which county the property is situated.

SEC. 603. Section 6830 of the Health and Safety Code is amended to read:

6830. There may be annexed to a district any of the following territory which is in the same county as the district or which is within another county but in the natural watershed area of the district:

(a) Any territory contiguous to the district.

(b) Any territory any point of which touches any point of the district.

(c) Any territory separated from the district by a "separating barrier," which term includes a street, road, highway, railway line, railway crossing, railway right-of-way, watercourse, lagoon, or other natural barrier.

(d) Any territory not contiguous to the district that will, in the opinion of the district board, be benefited by inclusion in the district.

Any territory specified in this section may consist of one or more separate parcels of land, but it is not necessary that all parcels shall constitute in the aggregate one tract of land.

SEC. 604. Section 9025 of the Health and Safety Code is amended to read:

9025. The boundaries of any district may be altered and contiguous territory, whether in one or more counties, may be annexed to a district.

SEC. 604.1. Section 13948 of the Health and Safety Code is amended to read:

13948. Any city, or portion thereof, may be included within a district upon the adoption of an ordinance by the city governing body requesting the inclusion which is approved by the district board. The district board may require as a condition to the inclusion that the city or portion thereof included within the district remain a part of the district for a period of time not to exceed 10 years. Upon the expiration of the period of time set forth in the conditions or, if none, at any time, the legislative body of the city may provide by ordinance for the withdrawal of the territory of the city from the district. The withdrawal shall be effective upon the filing of a certified copy of the ordinance with the Secretary of State and the governing body of the district or on the date fixed by the legislative body

of the city whichever is later. Where the withdrawal is effective on or before January 1st of the fiscal year the district shall furnish fire protection services to the territory withdrawn until the 1st day of July next succeeding. Where the withdrawal is effective subsequent to January 1st of the fiscal year and the territory is subject to district taxation for the succeeding fiscal year the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

SEC. 604.2. Section 13950 of the Health and Safety Code is amended to read:

13950. Whenever all of the territory in a district is annexed to, or otherwise included within, any city, the district may be dissolved. Such dissolution shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the city, describing the district and declaring such district dissolved; provided, that if the district is not dissolved within one year after the effective date of the inclusion, the district may be dissolved thereafter only pursuant to the provisions of the District Reorganization Act of 1965, Division 1 (commencing at Section 56000) of Title 6, Government Code Upon the dissolution of the district, the property of the district becomes the property of the city.

SEC. 604 3. Section 13951 of the Health and Safety Code is amended to read:

13951. Whenever all of the territory of a district is annexed to, or otherwise included within, two or more cities and all portions of said district within each such city shall have been withdrawn from the territory of the district, said district shall be deemed dissolved upon the completion of the last such withdrawal or withdrawals. If all such withdrawals are not completed concurrently, the property and assets of the district shall be apportioned and distributed in accordance with Section 13954 and the last city so withdrawing shall be entitled to all of the then remaining property and assets of the district. If two or more of the last withdrawals are completed concurrently, the then remaining property and assets of the district shall be apportioned and distributed between the cities making such concurrent withdrawals in proportion to the assessed value of real property within the respective areas so withdrawn by each such city.

SEC. 604.4. Section 13952 of the Health and Safety Code is amended to read:

13952. Whenever any portion of a district is included within a city by annexation such portion may be withdrawn from the district. The legislative body of the city may within one year after the annexation proceedings are complete provide by resolution that such territory shall be withdrawn from the district. Such withdrawal shall be effective on the date fixed by the legislative body of the city, which date shall not be

more than two years after the annexation proceedings are complete. Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory until the first day of July next succeeding. Where the withdrawal is effective subsequent to January 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding

If the portion of the district included within a city by annexation is not withdrawn within two years after the annexation is complete, or before January 1, 1962, whichever is later, it may be withdrawn thereafter only by detachment proceedings taken pursuant to the provisions of the District Reorganization Act of 1965, Division 1 (commencing at Section 56000) of Title 6, Government Code.

SEC. 604.5. Section 13953 of the Health and Safety Code is amended to read:

13953. Whenever any portion of a district is included within a city by reason of the incorporation of the city, such portion may be withdrawn from the district by resolution of the governing body of the city within one year after the effective date of the incorporation of the city. If not withdrawn within one year, it may be withdrawn thereafter only by detachment proceedings taken pursuant to the provisions of the District Reorganization Act of 1965, Division 1 (commencing at Section 56000) of Title 6, Government Code.

SEC. 604.6. Section 13958 of the Health and Safety Code is amended to read:

13958. Territory withdrawn from the district shall continue to be subject to taxation for the payment of the principal of and interest on any indebtedness, whether evidenced by bonds, notes, or other similar evidences of indebtedness and for all other obligations of the district outstanding upon the effective date of withdrawal as fully as though the territory had not been withdrawn; and for the purpose of discharging the indebtedness and interest thereon and other obligations, the territory shall be considered a part of the district the same as though not withdrawn; and all provisions which could have been used to compel the payment by the withdrawn territory of its portion of the indebtedness and interest thereon and other obligations had the withdrawal not occurred can be used to compel the payment on the part of the withdrawn territory of the portion for which it is liable.

SEC. 604.7. The heading of Article 8 (commencing with Section 14218) of Chapter 1, Part 3, Division 12 of the Health and Safety Code is amended to read:

Article 8. Withdrawal of Territory Within a City

SEC. 604.8. Section 14221 of the Health and Safety Code is amended to read:

14221. Property in territory withdrawn from a district under this article shall, from the date of the filing, as required by Section 14015, be free from assessments and taxes levied by the district, except that the area shall continue to be subject to tax, levied as provided in Section 14173, to pay the principal of and interest on bonds of the district outstanding at the time of such withdrawal, and for such special tax as may be required to be levied for the interest on or redemption of special indebtedness of the district, if any, outstanding at the time of such withdrawal.

SEC. 605. Section 14510 of the Health and Safety Code is amended to read:

14510. At any time after the establishment of a district territory, whether or not it is contiguous to the district, may be annexed to the district. Any territory so annexed shall include all of the real estate and improvements of the parcel involved.

SEC. 605.1. Section 14540 of the Health and Safety Code is amended to read:

14540. Whenever any portion of a district is included within a city by annexation such portion may be withdrawn from the district. The legislative body of the city may within one year after the annexation proceedings are complete provide by resolution that such territory shall be withdrawn from the district. Such withdrawal shall be effective on the date fixed by the legislative body of the city, which date shall not be more than two years after the annexation proceedings are complete Where the withdrawal is effective on or before February 1st of the fiscal year the district shall furnish fire protection services to the territory until the first day of July next succeeding Where the withdrawal is effective subsequent to February 1st of the fiscal year and where the territory is subject to district taxation and assessment the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

If the portion of the district included within a city by annexation is not withdrawn within two years after the annexation is complete, or before January 1, 1960 whichever is later, it may be withdrawn thereafter only pursuant to provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6, Government Code.

SEC. 605.2. Section 14541 of the Health and Safety Code is amended to read:

14541. Whenever any portion of a district is included within a city by reason of incorporation, such portion may be withdrawn from the district within one year after the effective date of the incorporation or before January 1, 1958, whichever is later Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, the county clerk or registrar of voters, and the county assessor, of copies of a resolution of the legislative body of the

city, describing the included portion, and declaring such portion withdrawn.

If the portion of the district included within a city by reason of incorporation is not withdrawn within one year after the effective date of the incorporation or before January 1, 1958, whichever is later it may be withdrawn thereafter only pursuant to the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6, Government Code.

SEC. 606. Section 32001 of the Health and Safety Code is amended to read:

32001. A local hospital district may be organized, incorporated and managed, as provided in this division and may exercise the powers herein granted or necessarily implied. Such a district may include incorporated or unincorporated territory, or both, or territory in any one or more counties. The territory comprising this district need not be contiguous but the territory of a municipal corporation shall not be divided; provided, that land either in a municipal corporation or in unincorporated territory which the supervising authority finds will not be benefited shall not be included.

SEC. 607. Section 32002 of the Health and Safety Code is amended to read:

32002. The manner of formation of local hospital districts, and the conducting of elections, unless otherwise provided herein shall be as in the manner provided by Chapter 1, Title 6 of the Government Code. All of the provisions of said chapter are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein. In addition to all other requirements regarding formation of hospital districts, no hearing upon the petition to form a hospital district shall be held until there shall have been filed with the supervising authority a certificate from the State Department of Public Health stating its findings in accordance with the standards established for allocated funds under the California Hospital Survey and Construction Act, upon the following facts:

(a) The need for hospital beds in the hospital service area to be served.

(b) The fulfillment of needs in the service area based upon hospital beds in existence or under construction.

(c) Upon request of the supervising authority the State Department of Public Health shall furnish its findings regarding (a) and (b).

SEC. 608. Section 5572 of the Public Resources Code is amended to read:

5572. The boundaries of any district may be altered and new contiguous territory annexed, incorporated, and included and made a part of the district.

SEC. 609. Section 5780.7 of the Public Resources Code is amended to read:

5780.7. The manner of formation, and the conduct of elections, unless otherwise provided herein, shall be as prescribed in Chapter 1 (commencing with Section 58000), Division 2, Title 6 of the Government Code. All of the provisions of that chapter are incorporated in this chapter by reference and shall have the same force and effect as if fully set forth herein.

SEC. 610. Section 13801 of the Public Utilities Code is amended to read:

13801. Any public agency not included within the boundaries of a district may be annexed thereto in the manner provided in this chapter or in the District Reorganization Act of 1965 (commencing at Section 56000, Government Code). When proceedings for such annexation are taken pursuant to this chapter, only the provisions of this chapter shall apply thereto

SEC. 611. Section 13802 of the Public Utilities Code is amended to read:

13802. The legislative body of the public agency proposed to be annexed shall agree in writing with the board upon the terms and conditions of annexation, which agreement (among other things) may provide for any of the terms and conditions authorized by the District Reorganization Act of 1965 (commencing at Section 56000, Government Code). The corporate boundaries of the public agency to be annexed need not be coterminous with any election precincts.

SEC. 612. Section 13821 of the Public Utilities Code is amended to read:

13821. The agreement shall become effective and be binding upon the district and the public agency when approved in the manner set forth in this chapter.

After receipt of the resolution of the local agency formation commission making determinations, the board shall by ordinance setting forth the agreement at length declare its intention of causing it to be executed by the district.

SEC. 613. Section 13886 of the Public Utilities Code is amended to read:

13886. Upon receipt by the district of a copy of the agreement of annexation properly executed by the district and the public agency proposed to be annexed the board shall pass a resolution declaring the public agency annexed to the district. Thereupon the secretary of the district shall make the filings provided for in Chapter 8 (commencing at Section 56450, Governmnet Code) of Part 5 of the District Reorganization Act of 1965. The annexation shall be complete and effective on the dates specified in said Chapter 8.

SEC. 614. Section 13912 of the Public Utilities Code is amended to read:

13912. If the district shall file its objections in the manner aforesaid to the annexation of said territory or any specified portion or portions thereof to the district, said territory, or the portion or portions thereof so objected to, shall not be annexed to the district except in the manner provided in the

District Reorganization Act of 1965 (commencing at Section 56000, Government Code). Prior to the expiration of the 90 day period referred to in Section 13911, the district may from time to time withdraw such objections to the annexation of said territory or any specified portion or portions thereof by filing with the city clerk a certified copy of a resolution or resolutions of the board stating that such objections to the annexation of said territory or any specified portion or portions thereof are withdrawn. Thereupon said territory, or the portion or portions as to which such objections are so withdrawn, shall be deemed incorporated into and annexed to the district as provided in Section 13911. Any such resolution or resolutions filed with the city clerk withdrawing the district's objections to the annexation of a portion or portions of said territory shall describe such portion or portions.

SEC. 615. Section 14051 of the Public Utilities Code is amended to read:

14051. Unincorporated territory may be annexed to a district in the manner provided in the District Reorganization Act of 1965 (commencing at Section 56000, Government Code).

SEC. 616. Section 14351 of the Public Utilities Code is amended to read:

14351. Any territory contained within a district not operating any utility and not included within the boundaries of any incorporated city and not benefited in any manner by the district or by its continued inclusion therein may be excluded therefrom by proceedings under and pursuant to the District Reorganization Act of 1965 (commencing at Section 56000, Government Code).

SEC. 617. Section 14381 of the Public Utilities Code is amended to read:

14381. If the city to which any territory included in any district has been annexed already serves electricity or water to the territory annexed, the city council or other governing body of the city may propose an agreement for the exclusion of such territory from the district.

SEC. 618. Section 17301 of the Public Utilities Code is amended to read:

17301. Unincorporated territory contiguous to a district may be annexed to the district in the manner provided in the District Reorganization Act of 1965 (commencing at Section 56000, Government Code).

SEC. 619. Section 17362 of the Public Utilities Code is amended to read:

17362. Land not a part of and not contiguous to any district, containing at least 10 privately owned acres, and lying within the exterior boundaries of any petitioning district, the nearest boundary of which is within three miles of the nearest boundary of the annexing district may be annexed to the annexing district in the manner provided in this article or in the District Reorganization Act of 1965 (commencing at Section 56000, Government Code). When proceedings for such an-

nexation are taken pursuant to this article, only the provisions of this article shall apply thereto.

SEC. 620. Section 17368 of the Public Utilities Code is amended to read:

17368. The terms and conditions may also provide for any of the following:

(a) That any and all property, services, or commodities may be delivered directly to the petitioning district.

(b) That the annexation may be made contingent upon the annexing district obtaining the necessary approval for the annexing of such lands from any and all agencies, authorities, and districts of which the annexing district may be a member

(c) That the annexed territory may be required to waive and will not be entitled to receive, use, or participate in any services, commodities, or property or some specific part thereof which may be owned by the annexing district, or to which it may be entitled.

(d) Any other terms and conditions authorized by the District Reorganization Act of 1965 (commencing at Section 56000, Government Code).

SEC. 621. Section 17371 of the Public Utilities Code is amended to read:

17371. After receipt of the resolution of the local agency formation commission making determinations, the board of directors of the annexing district shall cause publication of its resolution declaring its intention of approving such annexation and a notice fixing the time and place of hearing thereon and notifying all persons interested in or that may be affected by the proposed annexation of territory to appear at the meeting and show cause in writing, if any they have, why the territory or any part of it should not be annexed as proposed in the resolution. The notice and resolution shall be published pursuant to Section 6061 of the Government Code in a newspaper of general circulation printed and published in the annexing district, or if there is no such newspaper, in a newspaper of general circulation printed and published in the county where all or a part of the annexing district is situated.

SEC. 622. Section 17378 of the Public Utilities Code is amended to read:

17378. After the hearing, the board of directors of the annexing district may adopt a resolution ordering and approving the annexation.

SEC. 623. Section 17379 of the Public Utilities Code is amended to read:

17379. The annexing board shall by resolution describe the territory ordered to be annexed, and set forth the boundaries of the district as they will exist after the annexation. The order shall also set forth in detail the terms and conditions, if any, of the annexation; and if the annexation is for limited purposes only, the land which is being annexed shall be described as one parcel and the land of the annexing district shall be described as a separate and distinct parcel.

SEC. 624. Section 17501 of the Public Utilities Code is amended to read:

17501. Any territory within a district which is not benefited in any manner by the district or its continued inclusion therein may be excluded from the district by proceedings under and pursuant to the District Reorganization Act of 1965 (commencing at Section 56000, Government Code).

SEC. 625. Section 22006 of the Public Utilities Code is amended to read:

22006. The boundaries of a district may be altered and outlying contiguous territory in the same or an adjoining county annexed to the district.

SEC. 626. Section 31182 of the Water Code is amended to read:

31182. The annexation may be effected pursuant to the provisions of Chapter 9 (commencing at Section 13801) of Division 6, Public Utilities Code.

SEC. 627. Section 32200 of the Water Code is amended to read:

32200. Any tract of land included within any district and not substantially and directly benefited by being in the district, or by its continued inclusion therein, may be excluded from the district.

SEC. 628. Section 32502 of the Water Code is amended to read:

32502. Uninhabited territory may consist of unincorporated territory only or of incorporated territory lying within the boundaries of one or more cities, or of both unincorporated and incorporated territory; however, incorporated territory lying within the boundaries of any city may be added to a district if upon the annexation of the uninhabited territory the entire corporate area of the city will be included in the district.

SEC. 629. Section 37300 of the Water Code is amended to read:

37300. One or more tracts of land may be excluded from the district under proceedings taken pursuant to the District Reorganization Act of 1965 (commencing at Section 56000, Government Code).

SEC. 630. Section 53500 of the Water Code is amended to read:

53500. A copy of any proposal for consolidation shall be forwarded to the State Lands Commission prior to the circulation of any petition or the adoption of any resolution making such proposal.

SEC. 631. Section 53504 of the Water Code is amended to read:

53504. The State Lands Commission shall assign to the consolidated district the number of the original district containing the largest area of land, and the consolidated district shall thereafter be known by such number.

SEC. 632. Section 53660 of the Water Code is amended to read:

53660. Land in compact form, capable of being embraced in a district, and not a part of another district, may be annexed to a district.

SEC. 633. Section 56130 of the Water Code is amended to read:

56130. Territory, whether incorporated or unincorporated, contiguous to a district, and not included in any other county drainage district or other district formed for similar purposes, may be annexed, if the additional territory will be benefited by annexation.

SEC. 634. Section 71036 of the Water Code is amended to read:

71036. Except as otherwise provided in this division, procedure relating to formation, fiscal matters, and taxation in districts containing lands situated in more than one county shall conform as near as may be to such provisions with respect to districts containing lands situated in one county.

SEC. 634.1. Section 72301 of the Water Code is amended to read:

72301. The cities need not be contiguous, and the unincorporated territory, inhabited or uninhabited, may consist of one or more parcels which need not be contiguous to each other or to any such cities. The annexing area or areas need not be contiguous to the district.

SEC. 635. Section 24 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941) is amended to read:

Sec. 24. Alteration of Boundaries, Annexation of Contiguous Territory; Changes of Organization. The boundaries of the district may be altered and contiguous territory in the same county annexed thereto and other changes of organization or reorganizations made, all in the manner and as provided in Division 1 (commencing at Section 56000) of Title 6, Government Code.

SEC. 636. Section 200 of the Solvang Municipal Improvement District Act (Chapter 1635 of the Statutes of 1951) is amended to read:

Sec. 200. Any contiguous territory which is in the same county as the district may be annexed to the district and other changes of organization or reorganizations made, all in the manner and as provided in Division 1 (commencing at Section 56000) of Title 6, Government Code

SEC. 637. Section 220 of the Montalvo Municipal Improvement District Act (Chapter 549 of the Statutes of 1955) is amended to read:

Sec. 220. Any contiguous territory may be annexed to the district and other changes of organization or reorganizations made, all in the manner and as provided in Division 1 (commencing at Section 56000) of Title 6, Government Code.

SEC. 638. Section 205 of the Guadalupe Valley Municipal Improvement District Act (Chapter 2037 of the Statutes of 1959) is amended to read:

Sec. 205. Territory may be annexed to or detached from the district, if such territory would qualify for annexation to or detachment from a county water district, and other changes of organization or reorganizations may be made, all in the manner and as provided in Division 1 (commencing at Section 56000) of Title 6, Government Code.

SEC. 639. Section 220 of the Bethel Island Municipal Improvement District Act (Chapter 22 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 220. Territory may be annexed to or detached from the district, if such territory would qualify for annexation to or detachment from a county water district, and other changes of organization or reorganizations may be made, all in the manner and as provided in Division 1 (commencing at Section 56000) of Title 6, Government Code.

SEC. 640. Section 205 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 205. Territory may be annexed to or detached from the district, if such territory would qualify for annexation to or detachment from a county water district, and other changes of organization or reorganization may be made, all in the manner and as provided in Division 1 (commencing at Section 56000) of Title 6, Government Code.

SEC. 641. Section 205 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 205. Territory may be annexed to or detached from the district, if such territory would qualify for annexation to or detachment from a county water district, and other changes of organization or reorganizations may be made, all in the manner and as provided in Division 1 (commencing at Section 56000) of Title 6, Government Code.

SEC. 642 The heading of Article 7 (commencing with Section 110) of the Lake Cuyamaca Recreation and Park District Act (Chapter 1654 of the Statutes of 1961) is amended to read:

Article 7. Changes of Organization

SEC. 643. Section 110 of the Lake Cuyamaca Recreation and Park District Act (Chapter 1654 of the Statutes of 1961) is amended to read:

Sec. 110. Proceedings for changes of organization and reorganizations shall be taken under and pursuant to Division 1 (commencing with Section 56000) of Title 6, Government Code. Any territory annexed to the district shall be contiguous thereto and within the county.

SEC. 644. Section 74 of Chapter 25 of the Statutes of 1907 is amended to read:

Sec. 74. The lands adjacent to the boundary of a protection district, which are contiguous and which taken together, constitute one tract of land, may be annexed to the district.

SEC. 645. Section 75 of the Citrous Pest District Control Act (Chapter 89 of the Statutes 1939) is amended to read:

Sec. 75. Lands devoted exclusively to the growing of citrus fruits within a tract of land outside the district but in the county wherein the district is located may be annexed to the district.

SEC. 646. Section 42 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923) is amended to read:

Sec. 42. Manner of Procedure for Annexation of Lands. Any body of lands adjacent to the boundary of this district, which are contiguous, and which taken together, constitute one tract of land, may be annexed to the district.

SEC. 647. Section 3 of Chapter 380 of the Statutes of 1959 is amended to read:

Sec. 3. Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code is repealed

Notwithstanding such repeal, the organization, existence, or powers of any district created by, or organized pursuant to, the provisions of such Chapter 6 shall remain unaffected by such repeal, and any such district shall continue to exist and may exercise any of the powers conferred upon it by that chapter No district shall be created or organized pursuant to that chapter after October 1, 1959

Notwithstanding the provisions of Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code as the provisions of that chapter existed at the time of their repeal, the district board of any district created by, or organized pursuant to, such provisions, which has continued to exist thereunder shall consist of nine members

One member shall be appointed from each city in the district, by the governing body of the city, and the remaining members shall be appointed by the board of supervisors from the unincorporated territory in the district at large.

The first additional members appointed to a district board under this section shall classify themselves by lot so that the terms of office of one-half of such members shall expire at the same time as the terms of office of incumbent members which first expire following the date of such appointments, and the terms of office of the other one-half shall expire at the same time as the terms of office of the other incumbent members. The terms of office of their successors shall be the same as for other members appointed to the district board.

Notwithstanding the provisions of Chapter 6 (commencing with Section 880) of Part 2 of Division 1 of the Health and Safety Code, as the provisions of that chapter existed at the time of their repeal, annexation of territory, incorporated or unincorporated, lying adjacent and contiguous to a district, and dissolution of a district, shall be undertaken pursuant to the provisions of the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code).

SEC. 648. Section 1 of Chapter 1019 of the Statutes of 1953 is amended to read:

Section 1. Chapter 102, of the Statutes of 1923, is hereby repealed.

The repeal, effectuated by this act, shall not affect the organization, existence, or powers of any district heretofore created, by, or organized pursuant to said chapter. Any such district shall continue to exist and may exercise any of the powers conferred upon it by said chapter as fully as if said chapter had not been repealed.

Notwithstanding the provisions of Chapter 102 of the Statutes of 1923, as the provisions of that chapter existed at the time of their repeal, inclusion of adjacent land within a district, and consolidation or dissolution of districts, shall be undertaken pursuant to the provisions of the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code).

SEC. 649. Section 58309 of the Government Code is amended and renumbered to read:

58010. In case of a conflict between the provisions of this chapter and the provisions of the law providing for the creation of a particular district or type of district, the provisions of this chapter shall prevail.

SEC. 650. Section 4845.11 of the Health and Safety Code is amended and renumbered to read:

4735. If the withdrawal of the city results in less than three members remaining on the district board, the vacancy shall be filled in accordance with the provisions of this chapter for changes in the membership of the district board.

SEC. 651. Section 25210.90 is added to the Government Code, to read:

25210.90. Territory may be excluded from a county service area and a county service area may be dissolved, consolidated or reorganized. All proceedings therefor shall be taken under and pursuant to the District Reorganization Act of 1965 (commencing at Section 56000).

SEC. 652. Article 7 (commencing at Section 5785) is added to Chapter 4, Division 5 of the Public Resources Code, to read:

Article 7. Annexation

5785. Any incorporated or unincorporated territory or any combination thereof may be annexed to a recreation and park district, if the territory is contiguous to such district and is not included in any other recreation and park district. No territory outside the county in which the district was formed may be annexed to such district.

SEC. 653. Section 13803 is added to the Public Utilities Code, to read:

13803. After the legislative body of the public agency and the board have concurred upon the proposed terms and conditions, the secretary or clerk of the public agency to be an-

nexed shall file a certified copy of the proposed agreement with the executive officer of the local agency formation commission.

SEC. 654. Section 13804 is added to the Public Utilities Code, to read:

13804. After the filing of the proposed agreement with the executive officer, proceedings thereon shall be taken by the local agency formation commission in the manner and subject to the provisions of Part 4 (commencing at Section 56250, Government Code) of the District Reorganization Act of 1965. If the proposed annexation and agreement are approved by the commission, with or without amendment, wholly, partially or conditionally, it shall be mandatory for the board and the legislative body of the public agency to complete the proceedings for such annexation, subject to compliance with the commission's resolution making determinations.

SEC. 655. Section 14382 is added to the Public Utilities Code, to read:

14382. The agreement for exclusion shall be authorized and executed and proceedings for such exclusion taken in the same manner as provided in Chapter 9 (commencing at Section 13801) for the annexation of a public agency to a district.

SEC. 656. Section 17370.1 is added to the Public Utilities Code, to read:

17370.1. After the board of directors of the annexing district shall have adopted a resolution declaring its intention of approving an annexation the secretary of such district shall file a certified copy of such resolution with the executive officer of the local agency formation commission.

SEC. 657. Section 17370.2 is added to the Public Utilities Code, to read:

17370.2. After said resolution has been filed with the executive officer, proceedings thereon shall be taken by the local agency formation commission in the manner and subject to the provisions of Part 4 (commencing at Section 56250, Government Code) of the District Reorganization Act of 1965. If the resolution and proposed annexation are approved by the commission, with or without amendment, wholly, partially or conditionally, it shall be mandatory for the board of directors of the annexing district to complete the proceedings for such annexation, subject to compliance with the commission's resolution making determinations.

SEC. 658. Section 17380 is added to the Public Utilities Code, to read:

17380. After adoption of the resolution ordering the annexation, the secretary of the annexing district shall make the filings provided for in Chapter 8 (commencing at Section 56450, Government Code) of Part 5 of the District Reorganization Act of 1965. A certified copy of the resolution provided for by Section 17379 shall accompany and be made a part of such filings. The annexation shall be completed and effective on the dates specified in said Chapter 8.

SEC. 659. Section 53508 is added to the Water Code, to read:

53508. This chapter shall apply only to those districts formed to operate without a board.

SEC. 660. Section 53602 is added to the Water Code, to read:

53602. This article shall apply only to those districts formed to operate without a board.

SEC. 661. Section 20b is added to Chapter 158 of the Statutes of 1885, to read:

Sec. 20b. One or more tracts of land susceptible of the same mode of drainage as the land within the boundaries of the district and contiguous to the boundaries of said district may be annexed thereto.

SEC. 662. Section 63.1 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 63.1. Any body of lands adjacent to the boundary of a drainage district, which are contiguous and which taken together constitute one tract of land may be annexed to said district.

SEC. 663. This act is intended to implement the recommendations of the Assembly Interim Committee on Municipal and County Government as set forth in Volume 6, No. 22, of the committee report to the 1965 Legislature.

CHAPTER 2044

An act to amend Section 349.1 of the Code of Civil Procedure, to repeal Section 56003.1 of the Government Code as added by Assembly Bill No. 592 of the 1965 Regular Session of the Legislature, and to add Sections 56003.1 and 54790.1 to the Government Code, relating to local agencies.

[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 56003.1 of the Government Code as added by Assembly Bill No. 592 of the 1965 Regular Session is repealed.

SEC. 2. Section 56003.1 is added to said code, to read:

56003.1. Except as provided in this section, this division shall have no application to the incorporation of cities the annexation or detachment of territory to or from cities, minor changes of city boundaries or the consolidation or disincorporation of cities or to the formation of districts (except when any such formation is a part of a reorganization) or to proceedings for any of the foregoing. In any commission order giving approval to any of the matters provided for in subdivision (a) of Section 56250, the commission may make any such approval conditional upon:

(a) The initiation, conduct or completion of proceedings for the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the disincorporation of any city or for the formation of any district; and

(b) The approval or disapproval, with or without election, as may be provided by law, of any resolution or ordinance ordering any such incorporation, annexation, detachment, consolidation, disincorporation or formation of a district.

If a commission shall so condition its approval, the commission may order that any further action pursuant to this division shall be continued and held in abeyance for such period of time as the commission may designate, not to exceed six months from the date of such conditional approval.

Any such commission order may also provide that any election called upon the question of confirming a change of organization or a reorganization pursuant to the provisions of this division shall be called, held and conducted before, upon the same date as, or after the date of any election to be called, held and conducted upon the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the disincorporation of any city or upon the formation of any district.

SEC. 3. Section 54790.1 is added to said code, to read:

54790.1. In any commission order giving approval to any of the matters provided for by subdivision (a) of Section 54790, the commission may make such approval conditional upon:

(a) The initiation, conduct or completion of proceedings for a change of organization or a reorganization under and pursuant to the District Reorganization Act of 1965, Division 1 (commencing at Section 56000) of Title 6 of this code; and

(b) The approval or disapproval, with or without election, as may be provided by said District Reorganization Act of 1965, of any resolution or ordinance ordering any such change of organization or reorganization.

If the commission shall so condition its approval, the commission may order that any further action pursuant to this chapter shall be continued and held in abeyance for such period of time as the commission may designate, not to exceed six months from the date of such conditional approval.

Any such commission order may also provide that any election called upon any of the matters provided for by said subdivision (a) of Section 54790 shall be called, held and conducted before, upon the same date as, or after the date of any election to be called, held and conducted upon a change of organization or reorganization pursuant to the provisions of said District Reorganization Act of 1965

SEC. 3.5. Section 349.1 of the Code of Civil Procedure is amended to read:

349.1. The validity of any acts or proceedings taken under color of law for the formation, organization, incorporation,

dissolution, consolidation, change of organization or reorganization of, or for any change in the territorial boundaries of, any city, county, city and county, special district, public corporation or other public entity, or improvement district within any of the foregoing, shall not be contested in any action unless such action shall have been brought within six months from the date of completion of said acts or proceedings. Unless an action is commenced within said period all said acts or proceedings shall be held valid and in every respect legal and incontestable.

This section shall not amend or repeal any existing statute prescribing a shorter period of limitation than that specified herein.

SEC. 4. This act shall become operative only if Assembly Bills Nos. 592 and 1642 of the 1965 Regular Session are enacted by the Legislature at such session, and in such case, at the same time as Assembly Bills Nos. 592 and 1642 take effect.

CHAPTER 2045

An act to amend Section 24205 of the Health and Safety Code, to repeal Section 35308 of the Government Code, to amend Sections 35113, 35500.1, 35550.1, 35561.1 and 35561.4 of the Government Code, to amend Sections 34303 5, 35002 and 35014 of the Government Code as proposed to be amended by Assembly Bill No. 1642 of the 1965 Regular Session, to repeal Sections 54791 to 54795, inclusive, to amend Sections 54774, 54775 and 54778, to amend and renumber Sections 54796, 54797, 54798, 54799, 54799.1, 54799.2 and 54799.3, of the Government Code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, and to add Sections 54779, 54791, 54792, 54794 and 54798 of the Government Code to Chapter 6.6 (commencing with Section 54775) of Part 1, Division 2, Title 5 of the Government Code as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, and to repeal Section 56131 of the Government Code, as proposed to be added by Assembly Bill No. 592 of the 1965 Regular Session, relating to local agencies.

[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 24205 of the Health and Safety Code is amended to read:

24205. The board of supervisors may adopt a resolution declaring that there is need for an air pollution control district to function if from the evidence received at such a public hearing it finds:

(a) That the air within such county is so polluted, or is likely to become so polluted, with air contaminants as to be injurious to health, or an obstruction to the free use of property, or offensive to the senses of a considerable number of persons, so as to interfere with the comfortable enjoyment of life or property.

(b) For any reason it is not practical to rely upon the enactment or enforcement of local county and city ordinances to prevent or control the emission of smoke, fumes, or other substances which cause or contribute to such pollution.

Upon the adoption of this resolution the district shall begin to function.

SEC. 1.5. Section 34303.5 of the Government Code as proposed to be amended by Assembly Bill No. 1642 of the 1965 Regular Session 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 approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5.

SEC. 2. Section 35002 of said code, as proposed to be amended by Assembly Bill No. 1642 of the 1965 Regular Session, 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 approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5

SEC. 2.1. Section 35014 of said code, as proposed to be amended by Assembly Bill No. 1642 of the 1965 Regular Session, 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.

If any tide or submerged lands shall be included within the boundaries of any territory proposed to be annexed to a city, a description of such boundaries, together with a map showing such boundaries, shall be filed with the State Lands Commission. Such filing shall be made prior to filing or taking any action under Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5. The State Lands Commission shall approve or disapprove all portions of the boundaries located

upon tide or submerged lands 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.

Within 30 days after the filing of the boundary description and map with the State Lands Commission, said commission shall make a determination of the proper offshore boundaries. Said determination shall be final and conclusive. Failure to report within said time shall be deemed approval of the proposed offshore boundaries.

The State Lands Commission shall report its determination to the city, to such other person or persons, if any, as shall have filed said boundary description and map, and to the executive officer of the local agency formation commission. Thereafter, filings and action may be taken pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5. Pursuant to said Chapter 6.6 the local agency formation commission may review and make determinations as to all portions of the boundaries, other than said offshore boundaries.

SEC. 3. Section 35500.1 of said code is amended to read:

35500.1. No petition seeking the exclusion of territory from a city shall be circulated or filed, nor shall any public officer accept any such petition for filing until the approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5.

SEC. 4. Section 35550.1 of said code is amended to read:

35550.1. No petition seeking the exclusion of territory from a city shall be circulated or filed, nor shall any public officer accept any such petition for filing until the approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5.

SEC. 5. Section 35561.1 of said code is amended to read:

35561.1. In the case of territory which has been annexed by the city without the filing of a petition or request therefor signed by the owners of property within the territory annexed, but under proceedings initiated by the legislative body of the city on its own motion, and in which no notice of such proceedings was given to said property owners except constructive notice by publication or by posting, all of the territory so annexed shall be excluded from said city if, within two years after such annexation shall have been completed, a petition for

such exclusion shall be filed with the city clerk, addressed to the legislative body of said city, signed by the owners of property within said territory owning not less than 75 percent of the land in the territory by area and by assessed value, as shown on the last equalized assessment roll of the county in which the territory is situated.

No such petition shall be circulated or filed, nor shall any public officer accept any such petition for filing until the approval of the local agency formation commission is first obtained pursuant to Chapter 6 6 (commencing with Section 54773), Part 1, Division 2, Title 5.

Upon the filing of such petition with the city clerk, the legislative body of said city shall, at its next regular meeting or at any earlier meeting duly called for that purpose, examine said petition and, if it finds the same to be in compliance with this section, shall by ordinance exclude from said city all of the territory therein described which had been so annexed. In such case no election need or shall be called or held for the purpose of the exclusion of such territory. The clerk of the legislative body shall within 10 days after the passage of said ordinance, file with the Secretary of State and the board of supervisors a certified copy of said ordinance in the same manner as herein provided for the filing of a copy of a report and statement of election held under other provisions of this article, and upon such filing such exclusion shall be complete and the territory affected no longer a part of said city. If the city, prior to such exclusion, has incurred any expense for the construction or installation of any facilities or improvements on the property so excluded or for the furnishing of any service thereto, each owner of said property shall reimburse the city the full amount of such expense fairly attributable to his property, together with interest thereon at the rate of six (6) percent per annum from the date of the payment of such expense by the city. All amounts due on account of such reimbursement shall be a lien on the property affected, enforceable in the same manner as liens for city taxes. Said property shall also remain liable for its proportion of debts contracted by the city prior to such exclusion as provided by Section 35564 of this code.

The provisions of this section shall not apply to annexation proceedings heretofore approved by a final decision of a court of record in this state.

SEC. 6. Section 35561.4 of said code is amended to read:

35561.4. The legislative body of a city may initiate proceedings to exclude a portion of uninhabited territory annexed to the city as uninhabited territory on its own motion without requiring a petition. If it does, the resolution giving notice shall declare that proceedings have been initiated by the legislative body and set forth its reasons for desiring exclusion. No such resolution of intention shall be adopted until the approval of the local agency formation commission is first obtained pursuant to Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5. The city council shall

set a public hearing to consider the proposed exclusion. If, on or before the time set for the public hearing, there has not been filed with the city clerk a protest by property owners representing fifty percent (50%) of the area and assessed value of land of the territory proposed for exclusion, the city council may by ordinance exclude the territory. In such case, no election need or shall be called or held for the purpose of exclusion of such territory. The clerk of the legislative body shall within ten (10) days after the passage of said ordinance file with the Secretary of State and the board of supervisors a certified copy of said ordinance in the same manner as herein provided for filing of a copy of a report and statement of election held under the provisions of this article; and, upon such filing, such exclusion shall be complete and the territory affected no longer a part of the city. If the city, prior to such exclusion, has incurred any expense for the construction or installation of any facilities or improvements on the property so excluded, each owner of said property shall reimburse the city the full amount of such expense, fairly attributable to his property, together with interest thereon at the rate of six percent (6%) per annum from the date of the payment of such expense by the city. All amounts due on account of such reimbursement shall be a lien on the property affected and enforceable in the same manner as liens for city taxes. Said property shall also remain liable for its proportion of debts contracted by the city prior to such exclusion as provided in Section 35564 of this code.

SEC. 7. Section 35113 of said code is amended to read:

35113. Within 15 days after such filing, the legislative body may adopt a resolution acknowledging receipt of the notice and approving the circulation of the petition.

SEC. 8. Section 35308 of said code is repealed.

SEC. 9. Section 54774 is added to Chapter 6.6 of Part 1, Division 2, Title 5 of said code, as proposed to be added by Assembly Bill 1642 of the 1965 Regular Session, to read:

54774. Among the purposes of a local agency formation commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances. One of the objects of the local agency formation commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governments in each county and to shape the development of local governmental agencies so as to advantageously provide for the present and future needs of each county and its communities.

In addition to its other powers the local agency formation commission may initiate and make studies of existing governmental agencies. Such studies may include but shall not be limited to inventorying such agencies and determining their maximum service area and service capacities. If such studies are made, the commission may ask for land use information,

studies, and plans of cities and counties. Cities and counties shall comply with the request of the commission for such information and the commission shall make its studies available to cities and counties. In making these studies, the commission may cooperate with the county planning commissions.

Such information and studies shall be used by the commission as the basis for regular decisions on proposals over which it has jurisdiction. The commission may recommend governmental reorganizations to particular agencies in the county, using the above information as the basis for such recommendations. Such recommendations shall be made available, upon request, to other governmental agencies or to the public.

The commission, or the board of supervisors on behalf of the commission, is authorized to apply for or accept, or both, any financial assistance and grants-in-aid from public or private agencies or from the state or federal government or from a local government.

SEC. 10. Section 54775 of said code, as proposed to be added by Assembly Bill 1642 of the 1965 Regular Session, is amended to read:

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, or the county engineer or the county registrar of voters.

(d) "Initiate" or "initiation" means, in the case of proceedings, the first procedural step authorized or required by any law for the commencement of such proceedings, such step being one of the following:

(1) The circulation of a petition requesting any proceedings;

(2) The filing with any officer of a county or a local agency of a notice of intention to circulate such a petition; or

(3) The adoption by a legislative body of a county or a local agency of any resolution, order, or ordinance initiating proceedings on its own motion.

(e) "Local agency" means a city or a special district.

(f) "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.

(g) "Proceedings" means the procedure authorized and required by any law for the incorporation of a new city, the formation of a special district, the annexation of territory to a local agency or the exclusion of territory from a city.

(h) "Proponent" means any person intending to circulate or cause the circulation of any petition.

(i) "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.

SEC. 10 1. Section 54778 of said code as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session is amended to read:

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.

Upon request by the commission or the executive officer, the county surveyor, or such other county officer or employee as the board of supervisors may designate, shall examine and report to the commission or the executive officer upon any application or other document involving any of the matters specified in subdivision (f) of Section 54790.

SEC. 10.2. Section 54779 is added to Chapter 6 6 (commencing with Section 54773) of Part 1, Division 2, Title 5 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, to read:

54779. If any special district is, or as a result of a proposed formation or annexation will be, located in more than one county, the commission of the principal county shall have exclusive jurisdiction over the matters authorized and required by this chapter.

SEC. 11 Section 54780 of said code as proposed to be added by Assembly Bill 1642 of the 1965 Regular Session is amended to read

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, appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall be an alternate member of the commission. He is authorized to serve in place of any supervisor on the commission who is absent or who disqualifies himself from participating in a meeting of the commission.

(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.

SEC 12 Section 54781 of said code, as proposed to be added by Assembly Bill 1642 of the 1965 Regular Session, is amended to read:

54781. If there is no city in the county, the commission shall consist of five members, selected as follows:

(a) Three representing the county, appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a fourth supervisor who shall be an alternate member of the commission. He is authorized to serve in place of any supervisor on the commission who is absent or who disqualifies himself from participating in a meeting of the commission.

(b) Two representing the general public, appointed by the other three members of the commission.

SEC. 13. Section 54782 of said code, as proposed to be added by Assembly Bill 1642 of the 1965 Regular Session, is amended to read:

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, appointed by the board of supervisors from their own membership. The board of supervisors shall appoint a third supervisor who shall be an alternate member of the commission. He is authorized to serve in place of any supervisor on the commission who is absent or who disqualifies himself from participating in a meeting of the commission

(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.

SEC. 14. Section 54783 of said code, as proposed to be added by Assembly Bill 1642 of the 1965 Regular Session, is amended to read:

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 origi-

nally 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 be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office. The board of supervisors may authorize payment of a per diem to commission members for each day while they are in attendance at meetings of the commission.

SEC. 15. Section 54784 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is amended to read:

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. If one of the regular city members is absent from a commission meeting, or disqualifies himself from participating in a meeting, or is automatically disqualified from participating therein pursuant to this section, the alternate member is authorized to serve in his place for that meeting. 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.

SEC. 16. Section 54790 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is amended to read:

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, (other than local agencies the annexation of territory to which is required to be made pursuant to the provisions of Division 1 (commencing with Section 56000) of Title 6 of this code).

(4) The exclusion of territory from a city.

(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, and other similar matters affecting the proposed boundaries.

(g) To waive the restrictions of subdivision (1) of Section 35002.3, and Sections 35158 and 35326 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation is so located that it cannot reasonably be annexed to another city or incorporated as a new city.

SEC. 17. Section 54791 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is repealed.

SEC. 18. Section 54791 is added to Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, to read:

54791. Proceedings shall not be initiated until application is made to the executive officer and approval is given by the commission of the principal county. Any proponent, any legislative body, or any members of any legislative body, desiring to initiate proceedings shall file an application with the executive officer of the principal county. If a special district is, or as a result of a proposed formation or annexation will be, located in more than one county, the executive officer of the principal county shall immediately furnish a copy of any application filed with him to the executive officer of each such other county.

SEC. 19. Section 54792 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is repealed.

SEC. 20. Section 54792 is added to Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, to read:

54792. Each application shall be in such form as the commission may prescribe and shall contain:

(a) A statement of the nature of each proposal and the name or names of the districts or cities which would be affected thereby;

(b) A description of the boundaries of the territory proposed to be incorporated into a new city, to be formed into a special district, to be annexed to a local agency or to be excluded from a city;

(c) A map showing such boundaries;

(d) Such data and information as may be required by any rule or regulation of the commission;

(e) Such additional data and information, as may be required by the executive officer, pertaining to any of the matters or factors which may be considered by the commission; and

(f) The names of the officers or persons, not to exceed three in number, who are to be furnished with copies of the executive officer's report and who are to be given mailed notice of hearing.

SEC. 20.1. Section 54793 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is repealed.

SEC. 20.2. Section 54796 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is amended and renumbered to read:

54793. When an application is filed with the executive officer pursuant to this part, he shall set a date, time, and place for a hearing by the commission on said application. 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, 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 application, to any interested party who has filed a written request for such notice with the executive officer, and to any officers or persons designated in the application for the purpose of receiving mailed notice. In addition, at least 15 days prior to the hearing upon a proposal for the incorporation of a new city or for the formation of a district, notice of hearing 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.

SEC. 20.3. Section 54794 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is repealed

SEC. 20.4. Section 54794 is added to Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, to read:

54794. The executive officer shall review each application which is filed with him and shall prepare a report, including his recommendations, thereon. Said report shall be completed not less than five days prior to the date specified in the notice of hearing. Upon completion, the executive officer shall furnish copies of said report to the officers or persons designated in the application, to each city or special district to or from which territory is proposed to be annexed or excluded and where a district is, or will be, located in more than one county, to the executive officer of each such other county.

SEC. 20.5. Section 54795 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is repealed.

SEC. 20.6. Section 54797 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is amended and renumbered to read:

54795. At the hearing, the commission shall hear any interested parties and consider the application and the report of the executive officer.

SEC. 20.7. Section 54798 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is amended and renumbered to read:

54796. 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, annexation, or exclusion 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

SEC. 21. Section 54799 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is amended and renumbered to read:

54797. 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.

Upon the filing with the Secretary of State of any notice or other document which is authorized or required by law to be filed with him upon completion of any proceedings, said Secretary of State shall give written notice of such filing to the executive officer of each county within which any of the territory affected by such proceedings shall be located.

SEC. 21.1. Section 54798 is added to Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5, of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, to read:

54798. If two or more proceedings affect any of the same territory or are in any way inconsistent with each other, as among or between said proceedings, priority of right to proceed shall be determined by the order in which said proceedings were initiated and not by the order in which applications therefor were filed with the executive officer or approved by the commission. Where two or more pending applications affect any of the same territory or are in any way inconsistent with each other, the commission shall make its determinations thereon in the order that said applications were filed. Any applicant or applicants having filed an application which is earlier in point of time to a later application may voluntarily consent (i) to the later application being determined by the commission prior to the earlier application, (ii) to an extension of time, beyond that specified in Section 54797, within which the commission may make a determination upon the earlier application, or (iii) both.

SEC. 22. Section 54799.1 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, is amended and renumbered to read:

54799. If the commission disapproves a proposal, no further proceeding shall be taken thereon. No application for a subsequent proposal involving any of 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 without the consent of the commission.

SEC. 23. Section 54799.1 is added to Chapter 6.6 (commencing with Section 54775), Part 1, Division 2, Title 5 of said code, as proposed to be added by Assembly Bill No. 1642 of the 1965 Regular Session, to read:

54799.1. After the commission approves a proposal, no changes shall be made in the boundaries affected by the pro-

posal, except upon further approval by the commission. Any legislative body desiring any such change of boundaries shall file an application therefor with the commission. The commission, in its discretion, may approve an application for a boundary change with or without notice and hearing. Any such notice shall be given and the hearing held in the same manner provided for the original application.

SEC. 24. Section 54799.2 is added to Chapter 6.6 of Part 1, Division 2, Title 5 of said code, as proposed to be added by Assembly Bill 1642 of the 1965 Regular Session, to read:

54799.2. Failure to complete a proceeding within one year after the commission approves a proposal therefor shall be deemed an abandonment of such proceeding unless prior to the expiration of said year the commission shall have authorized an extension of time for such completion. Inability to complete a proceeding because of the order or decree of a court of competent jurisdiction temporarily enjoining or restraining such proceedings shall not be deemed failure of completion and said one year period shall be tolled for such time as any such order or decree shall be in effect.

SEC. 24.5. Section 56131 of said code, as proposed to be added by Assembly Bill No. 592 of the 1965 Regular Session, is repealed.

SEC. 25. This act is intended to implement recommendations contained in Volume 6, Number 22, of the Final Report of the Assembly Interim Committee on Municipal and County Government to the 1965 Regular Session of the Legislature.

CHAPTER 2046

An act to amend Section 4701 of the Welfare and Institutions Code and Section 14501 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, and to add Section 795.25 to the Insurance Code, relating to medical assistance for the aged, 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 4701 of the Welfare and Institutions Code is amended to read:

4701. As used in this chapter:

(a) "Medical assistance" means medical care as defined by Section 4502 of this code, which is rendered in behalf of aged persons as provided by Section 4722 of this chapter and the regulations of the State Social Welfare Board pursuant thereto.

(b) "Aged person" means any person 65 years of age or older who meets the following conditions:

1. Who resides in California

2 Whose average monthly income over the next 12 months is not expected to exceed the costs of his medical care plus the cost of his maintenance as determined by the standard of assistance for a recipient of old age security.

3 Who does not own personal or real property or both in excess of the amount permitted for recipients of old age security.

4. Who is not a patient in an institution for tuberculosis or mental diseases

5. Who is not a patient in a medical institution as a result of a diagnosis of tuberculosis or psychosis except to the extent federal reimbursement is provided by Title I of the federal Social Security Act.

6. Who is not an inmate of a public institution except as a patient in a public medical institution.

(c) "County hospital" means a medical facility established and maintained by the board of supervisors of a county pursuant to Section 1441 of the Health and Safety Code.

(d) "Contract hospital" means a nonprofit medical facility licensed pursuant to Section 1401 of the Health and Safety Code, with which the board of supervisors of a county which does not maintain a county hospital has executed a contract, currently in effect, to care for medically indigent individuals

7. Who is not a recipient of old age security; provided, however, that this paragraph shall be inoperative to the extent that federal law permits a state, without loss of federal funds, to provide old age assistance benefits concurrently with medical assistance for the aged.

SEC. 2. Section 14501 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:

14501. As used in this chapter:

(a) "Medical assistance" means medical care, as defined in Section 14001 of this code, which is rendered in behalf of aged persons as provided by Section 14555 and the regulations of the department pursuant thereto.

(b) "Aged person" means any person 65 years of age or older who meets the following conditions:

1. Who resides in California.

2. Whose average monthly income over the next 12 months is not expected to exceed the costs of his medical care plus the cost of his maintenance as determined by the standard of assistance for a recipient of old age security.

3. Who does not own personal or real property, or both, in excess of the amount permitted for recipients of old age security.

4. Who is not a patient in an institution for tuberculosis or mental diseases.

5. Who is not a patient in a medical institution as a result of a diagnosis of tuberculosis or psychosis, except to the extent federal reimbursement is provided by Title I of the Federal Social Security Act.

6. Who is not an inmate of a public institution, except as a patient in a public medical institution.

(c) "County hospital" means a medical facility established and maintained by the board of supervisors of a county pursuant to Section 1441 of the Health and Safety Code.

(d) "Contract hospital" means a nonprofit medical facility, licensed pursuant to Section 1401 of the Health and Safety Code, with which the board of supervisors of a county which does not maintain a county hospital has executed a contract, currently in effect, to care for medically indigent individuals.

7. Who is not a recipient of old age security; provided, however, that this paragraph shall be inoperative to the extent that federal law permits a state, without loss of federal funds, to provide old age assistance benefits concurrently with medical assistance for the aged.

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 4701 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

SEC. 4. Section 795.25 is added to the Insurance Code, to read:

795.25. Any association, organized in accordance with this article, may offer, issue and administer a policy, or policies, designed to specifically meet the requirements of any federal or state program for provision of health care to segments of the population over 65 years of age. In any case where such a federal or state program is designed to also meet the health care needs of segments of the population under age 65, including, but without limitation, the health care needs of families with dependent children, the blind, the disabled, and the otherwise medically indigent, insurance under such policy or policies may be made available to beneficiaries of such program under age 65. Such an association may also perform administrative services in connection with any such program under contract with the federal government, the state, any agency of either, or any other entity.

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

At the present time the federal government will not participate financially in the cost of medical assistance for the aged provided to any person who is a recipient of old age assistance. Federal legislation is now pending which would remove that

restriction during certain periods. This act will permit the state to take advantage of the new federal law, and, in order that it may do so as soon as that law is enacted, it is essential that this act go into effect immediately.

CHAPTER 2047

An act to amend Section 204.5 of the Welfare and Institutions Code and to amend Section 1457 of the Health and Safety Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, relating to records of county hospitals.

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

204.5. The Department of Public Health, with the advice of the Department of Social Welfare, shall prescribe forms of record for the use of the superintendents of county hospitals in keeping the records of persons received into or discharged from such institutions, including, but not limited to, forms for the admission and processing of county hospital patients.

Books of record for the records so prescribed may be printed at the expense of the department and furnished to such county hospitals at the cost thereof.

The superintendent in charge of any county hospital shall keep the records prescribed by the department as fully and completely as possible, and any such superintendent who willfully neglects and fails to keep the records thus prescribed is guilty of a misdemeanor.

SEC. 2. Section 1457 of the Health and Safety Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session is amended to read:

1457. The Department of Public Health, with the advice of the Department of Social Welfare, shall prescribe forms of record for the use of the superintendents of county hospitals in keeping the records of persons received into or discharged from such institutions, including, but not limited to, forms for the admission and processing of county hospital patients.

Books of record for the records so prescribed may be printed at the expense of the department and furnished to such county hospitals at the cost thereof.

The superintendent in charge of any county hospital shall keep the records prescribed by the department as fully and completely as possible, and any such superintendent who willfully neglects and fails to keep the records thus prescribed is guilty of a misdemeanor.

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 204.5 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

CHAPTER 2048

An act to add Section 2600.3 to the Welfare and Institutions Code and to add Section 17111 to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, relating to property qualification for aid to the indigents.

[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 2600.3 is added to the Welfare and Institutions Code, to read:

2600.3. An applicant or recipient shall be permitted to retain, without effect on his eligibility for aid or the amount of aid to which he is otherwise entitled, the tools of his trade necessary to continue or seek employment and an automobile of reasonable value needed to seek or maintain employment in order to enable the applicant or recipient to become self-supporting. The board of supervisors shall determine what tools of the trade may be retained as necessary and the reasonable value of an automobile used to seek or maintain employment.

SEC. 2. Section 17111 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:

17111. An applicant or recipient shall be permitted to retain, without effect on his eligibility for aid or the amount of aid to which he is otherwise entitled, the tools of his trade necessary to continue or seek employment and an automobile of reasonable value needed to seek or maintain employment in order to enable the applicant or recipient to become self-supporting. The board of supervisors shall determine what tools of the trade may be retained as necessary and the reasonable value of an automobile used to seek or maintain employment.

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 2600.3 of the Welfare and Institutions Code as added by Section 1 of this act is repealed.

CHAPTER 2049

An act to amend Sections 1500, 1500.1, 1500.2, and 1522 of the Welfare and Institutions Code and to amend Sections 11250, 11251, 11253, and 11263 of 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 17, 1965 Filed with Secretary of State July 23, 1965]

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

SECTION 1. Section 1500 of the Welfare and Institutions Code is amended to read:

1500. Aid, services, or both, shall be granted under the provisions of this chapter, and subject to the regulations of the state department, to families with related children under the age of 18 years, except as provided in Section 1500.2, in need thereof because they have been deprived of parental support or care due to:

(a) The death, physical or mental incapacity, or incarceration of a parent; or

(b) The divorce, separation or desertion of his parent or parents and resultant continued absence of a parent from the home for these or other reasons; or

(c) The unemployment of his parent or parents.

SEC. 2. Section 1500.1 of said code is amended to read:

1500.1. Aid and services shall also be provided under this chapter to or in behalf of any child under the age of 18 years, except as provided in Section 1500.2, who is in need and lacks parental support and care and who:

(a) Has been relinquished, for purposes of adoption to a county adoption agency, or an organization licensed by the department as an adoption agency, if such child was receiving assistance under this chapter at the time of relinquishment, or subsequent to relinquishment has been found to be unplaceable for adoption; or

(b) Lacks parental support for the same reasons set out in Section 1500, is in need of aid as well as protection or care by persons other than his parents, and has been placed in foster care for purposes of providing such care and protection.

For purposes of this chapter, "foster care" means care other than in the home of his parent or relative, as these terms are used in Title IV of the Federal Social Security Act.

SEC. 3. Section 1500.2 of said code is amended to read:

1500.2. Aid shall be granted under the provisions of this chapter to or in behalf of any child otherwise eligible over the age of 16, provided:

(a) He is regularly attending school, or a training program, in which case aid shall be continued, if otherwise eligible, up to age 21, or

(b) He is physically or mentally disabled, or

(c) He is employed and contributing to the family, or applying his earnings to a plan approved by the county department for his further education or preparation for future employment.

SEC. 4 Section 1522 of said code is amended to read:

1522. Except as provided in Section 1552.3 and in Section 1500.2, no child over the age of 18 years is a needy child within the meaning of this chapter.

SEC. 5. Section 11250 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 is amended to read:

11250. Aid, services, or both, shall be granted under the provisions of this chapter, and subject to the regulations of the department, to families with related children under the age of 18 years, except as provided in Section 11253, in need thereof because they have been deprived of parental support or care due to:

(a) The death, physical or mental incapacity, or incarceration of a parent; or

(b) The divorce, separation or desertion of a parent or parents and resultant continued absence of a parent from the home for these or other reasons; or

(c) The unemployment of a parent or parents.

SEC. 6. Section 11251 of Division 9 of said code as proposed by said bill is amended to read:

11251. Aid and services shall also be provided under this chapter to or in behalf of any child under the age of 18, except as provided in Section 11253, who is in need and lacks parental support and care and who:

(a) Has been relinquished, for purposes of adoption, to a county adoption agency or an organization licensed by the department as an adoption agency, if such child was receiving assistance under this chapter at the time of relinquishment, or subsequent to relinquishment has been found to be unplaceable for adoption; or

(b) Lacks parental support for the same reasons set out in Section 11250, is in need of aid as well as protection or care by persons other than his parents, and has been placed in foster care for purposes of providing such care and protection.

For purposes of this chapter, "foster care" means care other than in the home of his parent or relative, as these terms are used in Title IV of the Federal Social Security Act.

SEC. 7. Section 11253 of Division 9 of said code as proposed by said bill is amended to read:

11253. Aid shall be granted under the provisions of this chapter to or in behalf of any child otherwise eligible over the age of 16 provided:

(a) He is regularly attending school, or a training program, in which case aid shall be continued, if otherwise eligible, up to age 21, or

(b) He is physically or mentally disabled, or

(c) He is employed and contributing to the family, or applying his earnings to a plan approved by the county department for his further education or preparation for future employment.

SEC. 8. Section 11263 of Division 9 of said code as proposed by said bill is amended to read:

11263. Except as provided in Sections 11253 and 11455, no child over the age of 18 years is a needy child within the meaning of this chapter.

SEC. 9. Sections 5, 6, 7, and 8 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 1500, 1500.1, 1500.2, and 1522 of the Welfare and Institutions Code as amended by Sections 1, 2, 3 and 4 of this act are repealed.

CHAPTER 2050

An act to add Section 119.1 to the Welfare and Institutions Code and to add Section 10616 to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682, relating to county public welfare programs.

[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 119.1 is added to the Welfare and Institutions Code, to read:

119.1. The department shall formulate plans for the recruitment, utilization, and training of volunteers to assist in performing services and other duties for the county public social services for the purpose of improving participation in the county public welfare programs. Such plans shall not become effective in a county until approved by a resolution adopted by the board of supervisors.

SEC. 3. Section 10616 is added to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682, to read:

10616. The department shall formulate plans for the recruitment, utilization, and training of volunteers to assist in performing services and other duties for the county public social services for the purpose of improving participation in the county public welfare programs. Such plans shall not become effective in a county until approved by a resolution adopted by the board of supervisors.

SEC. 4. Section 3 of this act shall become operative only if the Legislature enacts Assembly Bill No. 1682 at its 1965 Regular Session, and in such case at the same time as Assembly

Bill No. 1682 takes effect; in which event Section 119.1 of the Welfare and Institutions Code as added by Section 1 of this act is repealed.

CHAPTER 2051

An act to add Section 202.3 to the Welfare and Institutions Code and to add Section 10810 to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682, relating to volunteers for county welfare work.

[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 202.3 is added to the Welfare and Institutions Code, to read:

202.3. Subject to the approval of the State Department of Social Welfare, each county department is authorized to sponsor and conduct programs for the recruitment, training, and utilization of volunteers to assist county department employees in the performance of office duties and to aid in performing services in the counties including but not limited to the following:

(a) Friendly visiting of the indigent aged;

(b) Finding homes for foster children;

(c) Escorting and transporting recipients to clinics and other destinations;

(d) Aiding in location of improved housing;

(e) Teaching homemaking skills and aiding in budgeting and care of the household;

(f) Providing tutoring and other educational aid.

Volunteers shall not duplicate services performed by county department employees.

The county department shall maintain the confidentiality of records of recipients.

SEC. 2. Section 10810 is added to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682, to read:

10810. Subject to the approval of the department, each county department is authorized to sponsor and conduct programs for the recruitment, training, and utilization of volunteers to assist county department employees in the performance of office duties and to aid in performing services in the counties including but not limited to the following:

(a) Friendly visiting of the indigent aged;

(b) Finding homes for foster children;

(c) Escorting and transporting recipients to clinics and other destinations;

(d) Aiding in location of improved housing;

(e) Teaching homemaking skills and aiding in budgeting and care of the household;

(f) Providing tutoring and other educational aid.

Volunteers shall not duplicate services performed by county department employees.

The county department shall maintain the confidentiality of records of recipients.

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 202.3 as added to the Welfare and Institutions Code by Section 1 of this act is repealed.

CHAPTER 2052

An act to amend Section 2380 of, and to add Section 2377 to, the Welfare and Institutions Code and to amend Section 18350 of, and to add Section 18357 to, Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session, relating to aged persons.

[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 2377 is added to the Welfare and Institutions Code, to read:

2377. The committee, with the approval of the Health and Welfare agency, may be designated as the state agency for supervision of all programs of the federal government relating to the aging which are not the specific responsibility of another state department under the provisions of federal law or which have not been specifically entrusted to another state department by the Legislature.

SEC. 2. Section 2380 of said code is amended to read:

2380. The purpose of this chapter is to promote local community activities which will further the efforts of older persons, their families, religious groups, legislative bodies, public and voluntary social agencies, and related professions in accomplishing for older persons an opportunity to remain active and contributing members in their community to the fullest extent possible. The Legislature declares that it is the policy of the state to participate fully in programs at the federal, state, and community levels whose purposes are to foster and promote community planning and services for the economic, social, and personal well-being of older persons.

SEC. 3. Section 18350 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session is amended to read:

18350. The purpose of this chapter is to promote local community activities which will further the efforts of older persons, their families, religious groups, legislative bodies, public and voluntary social agencies, and related professions in providing for older persons an opportunity to remain active and contributing members in their community to the fullest extent possible. The Legislature declares that it is the policy of the state to participate fully in programs at the federal, state, and community levels whose purposes are to foster and promote community planning and services for the economic, social, and personal well-being of older persons.

SEC. 4. Section 18357 is added to said code, to read:

18357. The committee, with the approval of the Health and Welfare Agency, may be designated as the state agency for supervision of all programs of the federal government relating to the aging which are not the specific responsibility of another state department under the provisions of federal law or which have not been specifically entrusted to another state department by the Legislature.

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 2380 of the Welfare and Institutions Code as amended by Section 2 of this act and Section 18357 of the Welfare and Institutions Code as added by Section 1 of this act are repealed.

CHAPTER 2053

An act to amend Sections 69952, 70045.1, 70045.7, 70046, 70047, 70048, 70050.5, and 74351 of the Government Code, relating to court reporters.

[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 70050.5 of the Government Code is amended to read:

70050.5. In each county with a population of 730,000 and under 850,000, as determined by the 1960 federal census, the annual salary of the regular official phonographic reporters shall be thirteen thousand and ninety-two dollars ($13,092), and the compensation of the official phonographic reporters pro tempore shall be at the rate of forty-seven dollars and fifty cents ($47.50) a day, or any fractional part thereof.

SEC. 2. Section 69952 of said code is amended to read:

69952. In criminal cases in which the court specifically so directs, the fee for reporting and for a transcript ordered by

the court to be made shall be paid out of the county treasury on the order of the court. The court shall not order to be transcribed and paid for out of the county treasury any matter or material except that reported by the reporter pursuant to Code of Civil Procedure Section 269. When there is no official reporter in attendance and a reporter pro tempore is appointed, his reasonable expenses for traveling and detention shall be fixed and allowed by the court and paid in like manner. When the court orders a daily transcript, necessitating the services of two phonographic reporters, the reporting fee for each of the reporters and the transcript fee shall be proper charges against the county treasury, and such daily transcript shall be pursuant to Code of Civil Procedure Section 269.

SEC. 3. Section 70045 1 of said code is amended to read:

70045 1. Notwithstanding the provisions of Section 70045 of this code, in any county having a population of 9,000 and not over 9,800, as determined by the 1960 federal census, each regular official court reporter shall receive an annual salary of six thousand four hundred eighty dollars ($6,480) payable in monthly installments out of the salary fund of the county, for the reporting and taking notes in criminal cases and juvenile court cases in the superior court, and in preliminary examinations of those accused of crime before magistrates, and of proceedings before the grand jury and at coroner's inquests when requested by the coroner, and for other services such reporters shall receive the fees provided for in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, such fees in civil cases to be paid by the litigants as provided by law.

Reporters pro tempore shall be paid a per diem of thirty-five dollars ($35) as provided in Section 69948 of this code and other fees set forth in Article 9 (commencing at Section 69941), Chapter 5, Title 8 of this code, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties, but a reporter pro tempore shall be paid a per diem or expenses by the county only when the regular official court reporters are occupied in the superior court, or at preliminary examinations, grand jury hearings or coroner's inquests.

The board of supervisors of such a county may provide the court reporters with equipment for the performance of their duties.

SEC. 4. Section 70045.7 of said 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 thirty-five dollars ($35) a day for the days he actually is on duty under order of the court.

SEC. 5. Section 70046 of said code is amended to read:

70046. In a county with a population of 503,000 or more and under 600,000, as determined by the 1960 federal decennial census, each regular official reporter shall be paid an

annual salary of eleven thousand two hundred eighty dollars ($11,280), and each pro tempore official reporter shall be paid forty dollars ($40) a day for the days he actually is on duty under order of the court.

SEC. 6. Section 70047 of said code is amended to read:

70047. In a county with a population of over 295,000 and under 500,000, as determined on the basis of the 1950 federal decennial census each regular official reporter shall be paid an annual salary of eleven thousand one hundred twenty-four dollars ($11,124), and each pro tempore official reporter shall be paid forty-five dollars ($45) a day for the days he actually is on duty under order of the court.

During the hours which the court is open for the transaction of judicial business, the regular official reporter shall perform the duties required by law. When not engaged in the performance of any other duty imposed upon him by law, he shall render stenographic or clerical assistance to the judge of the court to which he is assigned as such judge may direct.

SEC. 7. Section 70048 of said code is amended to read:

70048. In a county with a population of 1,000,000 and under 2,000,000, as determined by the 1960 federal census, regular official phonographic reporters shall be paid an annual salary of twelve thousand five hundred seventy-six dollars ($12,576).

Official phonographic reporters pro tempore shall be compensated at the rate of forty-seven dollars ($47) a day, or any fractional part thereof.

SEC. 8. Section 74351 of said code is amended to read:

74351. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attachés of the court to perform the duties set forth in Section 274c of the Code of Civil Procedure, and in lieu of any other compensation provided by law for their services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary of six hundred fifty dollars ($650). The salary shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporter shall receive the fees provided by Sections 69947 to 69953, inclusive, which shall upon order of the court be a charge against the general fund of the county.

CHAPTER 2054

An act to amend Section 74351 of the Government Code, relating to municipal court reporters.

[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 74351 of the Government Code is amended to read:

74351. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attachés of the court to perform the duties set forth in Section 274c of the Code of Civil Procedure, and in lieu of any other compensation provided by law for their services in reporting testimony in felony criminal proceedings in the court, shall receive a monthly salary of six hundred fifty dollars ($650). The salary shall be a charge against the general fund of the county. For transcribing and for reporting proceedings other than felony criminal proceedings, the official reporter shall receive the fees provided by Sections 69947 and 69953 which shall upon order of the court be a charge against the general fund of the county.

CHAPTER 2055

An act to amend Section 103.9 of the Welfare and Institutions Code, and Sections 5081, 5082, 5083, 5085, 5086, 5087, 5088, 5089, and 5090 of said code as added by Senate Bill No. 36 of the 1965 Regular Session, and Section 10002 of said code as added by Assembly Bill No. 1682 of the 1965 Regular Session, relating to compensation of public guardian.

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

103.9. When an applicant for or recipient of public social services is incapable of managing his own resources and planning or carrying out arrangements for his own care and maintenance, and the applicant or recipient cannot secure the services of a private attorney, the county counsel at the request of the county department, or the district attorney, if a county counsel does not exist, shall initiate and carry out proceedings for the appointment of a public or private guardian or public or private conservator, or for changing the form of legal protection when this is indicated. Costs incurred in such proceedings for the protection of needy applicants or recipients, when not available from the person's own resources, shall be a proper welfare administrative or service cost, except where a relative engages a private attorney to accomplish this purpose.

SEC. 2. Section 5081 of the Welfare and Institutions Code as added by Senate Bill No. 36 of the 1965 Regular Session, is amended to read:

5081. In proper cases any such public guardian may apply to a court of competent jurisdiction for appointment as guardian or conservator of the person and estate or person or estate of any person in the county or in a county owned facility in another county who is a patient under the provisions hereof

or who is a recipient of aid under any of the provisions of this code where it appears that such person requires a guardian or conservator. In such proper cases the public guardian may take immediate charge of the property within his county of persons referred to him for guardianship when such property is being wasted, uncared for, or lost.

SEC. 3. Section 5082 of said code as added by said bill is amended to read:

5082. When the public guardian makes application under Section 5081 of this code for guardianship or conservatorship of the person and estate or person or estate of any person who is under the jurisdiction of the State Department of Mental Hygiene such application may be granted, if sufficient under said Section 5081, with the written consent of said department.

SEC. 4. Section 5083 of said code as added by said bill is amended to read:

5083. The public guardian shall file an official bond in such amount as may be fixed, from time to time, by the board of supervisors, which bond shall inure to the joint benefit of the several guardianship or conservatorship estates and the county, and such public guardian shall not be required to file bonds in individual estates.

SEC. 5. Section 5085 of said code as added by said bill is amended to read:

5085. If necessary the public guardian in his discretion may employ private attorneys where the cost thereof can be defrayed out of estate funds.

SEC. 6. Section 5086 of said code as added by said bill is amended to read:

5086. Where the market value of the real and personal property of the estate appears to be less than fifty dollars ($50) it shall not be necessary to have such property appraised and no appraisal shall be required in any estate handled by the public guardian where the estate consists of money only or money and other property of a market value of fifty dollars ($50) or less.

SEC. 7. Section 5087 of said code as added by said bill is amended to read:

5087. The public guardian upon the death of his ward or upon the death of his conservatee may pay in full or in part from any assets of such ward or conservatee which are under his control the unpaid expenses of his ward's burial and last illness. After the payment of such expenses the public guardian may transfer any remaining assets in accordance with and subject to the provisions of Section 630 of the Probate Code. The value of the property for the purpose of ascertaining the right to transfer under said section shall be determined after deduction of said expenses paid.

SEC. 8. Section 5088 of said code as added by said bill is amended to read:

5088. The public guardian shall have a claim against the ward's estate for his reasonable expenses incurred in the execu-

tion of the guardianship or conservatorship, and such compensation for his services and those of his attorney as the court in which his accounts are settled deems just and reasonable.

SEC. 9. Section 5089 of said code as added by said bill is amended to read:

5089. No fees shall be charged or received by the county clerk for the filing of any such guardianship or conservatorship petition nor for any official service performed by him in the course of the proceedings.

SEC. 10. Section 5090 of said code as added by said bill is amended to read:

5090. Necessary expenses of the public guardian in the conduct of any guardianship or any conservatorship estate may be advanced by the county and if so ordered by the board of supervisors such expenses shall be a county charge, but the county shall be reimbursed therefor out of any funds or property of the estate by the public guardian.

SEC. 11. Section 10002 of said code as added by Assembly Bill No. 1682 of the 1965 Regular Session is amended to read:

10002. When an applicant for or recipient of public social services is incapable of managing his own resources and planning or carrying out arrangements for his own care and maintenance, and the applicant or recipient cannot secure the services of a private attorney, the county counsel at the request of the county department, or the district attorney, if a county counsel does not exist, shall initiate and carry out proceedings for the appointment of a public or private guardian or public or private conservator, or for changing the form of legal protection when this is indicated. Costs incurred in such proceedings for the protection of applicants or recipients, when not available from the person's own resources, shall be a proper welfare administrative or service cost, except where a relative engages a private attorney to accomplish this purpose.

SEC. 12. Section 11 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 103.9 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

CHAPTER 2056

An act to amend Section 4701 of the Welfare and Institutions Code and to amend Section 14501 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, relating to medical assistance for the aged, 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 4701 of the Welfare and Institutions Code is amended to read:

4701. As used in this chapter:

(a) "Medical assistance" means medical care as defined by Section 4502 of this code, which is rendered in behalf of aged persons as provided by Section 4722 of this chapter and the regulations of the State Social Welfare Board pursuant thereto.

(b) "Aged person" means any person 65 years of age or older who meets the following conditions:

1. Who resides in California.

2. Whose average monthly income over the next 12 months is not expected to exceed the costs of his medical care plus the cost of his maintenance as determined by the standard of assistance for a recipient of old age security.

3. Who does not own personal or real property or both in excess of the amount permitted for recipients of old age security.

4. Who is not a recipient of old age security; provided, however, that this paragraph shall be inoperative to the extent that federal law permits a state, without loss of federal funds, to provide old age assistance benefits concurrently with medical assistance for the aged.

5. Who is not a patient in an institution for tuberculosis or mental diseases.

6. Who is not a patient in a medical institution as a result of a diagnosis of tuberculosis or psychosis except to the extent federal reimbursement is provided by Title I of the Federal Social Security Act.

7. Who is not an inmate of a public institution except as a patient in a public medical institution.

(c) "County hospital" means a medical facility established and maintained by the board of supervisors of a county pursuant to Section 1441 of the Health and Safety Code.

(d) "Contract hospital" means a nonprofit medical facility licensed pursuant to Section 1401 of the Health and Safety Code, with which the board of supervisors of a county which does not maintain a county hospital has executed a contract, currently in effect, to care for medically indigent individuals.

SEC. 2. Section 14501 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:

14501. As used in this chapter:

(a) "Medical assistance" means medical care as defined by Section 14001 of this code, which is rendered in behalf of aged persons as provided by Section 14555 of this chapter and the regulations of the department pursuant thereto.

(b) "Aged person" means any person 65 years of age or older who meets the following conditions:

1. Who resides in California.

2. Whose average monthly income over the next 12 months is not expected to exceed the costs of his medical care plus the cost of his maintenance as determined by the standard of assistance for a recipient of old age security.

3. Who does not own personal or real property or both in excess of the amount permitted for recipients of old age security.

4. Who is not a recipient of old age security; provided, however, that this paragraph shall be inoperative to the extent that federal law permits a state, without loss of federal funds, to provide old age assistance benefits concurrently with medical assistance for the aged.

5. Who is not a patient in an institution for tuberculosis or mental diseases.

6. Who is not a patient in a medical institution as a result of a diagnosis of tuberculosis or psychosis except to the extent federal reimbursement is provided by Title I of the Federal Social Security Act.

7. Who is not an inmate of a public institution except as a patient in a public medical institution.

(c) "County hospital" means a medical facility established and maintained by the board of supervisors of a county pursuant to Section 1441 of the Health and Safety Code.

(d) "Contract hospital" means a nonprofit medical facility licensed pursuant to Section 1401 of the Health and Safety Code, with which the board of supervisors of a county which does not maintain a county hospital has executed a contract, currently in effect, to care for medically indigent individuals.

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 4701 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:

At the present time the federal government will not participate financially in the cost of medical assistance for the aged

provided to any person who is a recipient of old age assistance. Federal legislation is now pending which would remove that restriction during certain periods. This act will permit the state to take advantage of the new federal law, and, in order that it may do so as soon as that law is enacted, it is essential that this act go into effect immediately.

CHAPTER 2057

An act to add Sections 1509.6 and 1521.1 to the Welfare and Institutions Code, and to amend Section 11258 of Division 9 of, and to add Section 11266 to 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 17, 1965. Filed with Secretary of State July 23, 1965.]

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

SECTION 1. Section 1509.6 is added to the Welfare Institutions Code, to read:

1509.6. For the purposes of this chapter, 50 percent of the earnings of a needy child under the age of 18 years shall not be considered as income to the family unit in determining the amount of assistance to be granted to the family unit.

SEC. 2. Section 1521.1 as added to said code, to read:

1521.1. For the purposes of this chapter "personal property" shall not include any earned income of a child which is exempted under Section 1509.6 or any reasonable accumulations resulting from any earned income of a child which is being saved for future education, preparation for future employment, or other future identifiable need.

SEC. 3. Section 11258 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:

11258. For the purposes of this chapter, the term personal property shall not include the value of clothing, furniture, household equipment including musical instruments and other recreational items, foodstuffs, fuel, personal effects and personal jewelry, nor shall it include any earned income of a child which is exempted under Section 11226 or any reasonable accumulations resulting from any earned income of a child which is being saved for future education, preparation for future employment, or other future identifiable need.

SEC. 4. Section 11266 is added to Division 9 of said code as proposed by said bill, to read:

11266. For the purposes of this chapter, 50 percent of the earnings of a needy child under the age of 18 years shall not be considered as income to the family unit in determining the amount of assistance to be granted to the family unit.

SEC. 7. Sections 3 and 4 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 1509.6 and 1521.1 of the Welfare and Institutions Code as added by Sections 1 and 2 of this act are repealed.

CHAPTER 2058

An act to amend Section 449.4 of the Welfare and Institutions Code and to amend Section 11054 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session, relating to affirmation of eligibility for 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 449.4 of the Welfare and Institutions Code is amended to read:

449.4. Each applicant shall be required before approval of assistance or services to file an affirmation setting forth his belief that he meets the specific conditions of eligibility. Such statements shall be on forms prescribed by the department and, in the case of applicants for aid under the provisions of Chapter 1 (commencing with Section 1500) of Part 2 of Division 2, shall contain a written declaration that the affirmation is made under penalty of perjury. Any person signing a statement containing such declaration who willfully and knowingly with intent to deceive states as true any material matter which he knows to be false is subject to the penalty prescribed for perjury in the Penal Code.

Whenever the applicant himself is incapable of completing the required affirmation, and no guardian or conservator of his estate has been appointed, the affirmation may be completed on his behalf by a relative or close personal friend or a representative of a public agency who has all necessary knowledge regarding the applicant's circumstances and is willing to affirm thereto. A copy of the affirmation shall be furnished to the applicant or other person completing it at the time it is filed. Such other person completing an affirmation who willfully and knowingly with intent to deceive states as true any material matter which he knows to be false is subject to the penalty prescribed for perjury in the Penal Code.

A county department may also require like statements to be completed prior to approving restoration of aid as provided by Section 449.1 and may require new statements at any time for purposes of continuing assistance.

SEC. 2. Section 11054 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session is amended to read:

11054. Each applicant shall be required before approval of assistance or services to file an affirmation setting forth his belief that he meets the specific conditions of eligibility. Such statements shall be on forms prescribed by the department and, in the case of applicants for aid to families with dependent children, shall contain a written declaration that the affirmation is made under penalty of perjury. Any person signing a statement containing such declaration, who willfully and knowingly with intent to deceive states as true any material matter which he knows to be false, is subject to the penalty prescribed for perjury in the Penal Code.

Whenever the applicant himself is incapable of completing the required affirmation, and no guardian or conservator of his estate has been appointed, the affirmation may be completed on his behalf by a relative or close personal friend or a representative of a public agency who has all necessary knowledge regarding the applicant's circumstances and is willing to affirm thereto. A copy of the affirmation shall be furnished to the applicant or other person completing it at the time it is filed. Such other person completing an affirmation who willfully and knowingly with intent to deceive states as true any material matter which he knows to be false is subject to the penalty prescribed for perjury in the Penal Code.

A county department may also require like statements to be completed prior to approving restoration of aid as provided by Section 11051, and may require new statements at any time for purposes of continuing assistance.

SEC. 3. Section 2 of this act shall become operative only if the Legislature enacts Assembly Bill 1682 at its 1965 Regular Session, and in such case at the same time as Assembly Bill 1682 takes effect; in which event Section 449.4 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

CHAPTER 2059

An act to amend Sections 2381 and 2382 of the Welfare and Institutions Code and Sections 18351 and 18352 of the Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session, relating to community services for older persons.

[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 2381 of the Welfare and Institutions Code is amended to read:

2381. Funds appropriated by the Legislature or otherwise subject to expenditure for purposes of this chapter shall be made available to local public agencies on a matching basis for projects for:

1. Community planning and development of services necessary to carry out the objectives and purposes of this chapter.

2. Demonstration of programs and activities by local communities which are particularly valuable in carrying out such purposes.

3. The provision of recreational and other leisure time activities, information, referral and counseling services, and opportunities for older persons to engage in paid or volunteer community or civic services.

The state share of any project shall not exceed 50 percent of the funds expended in connection with that project. The state share of any project involving a senior activity center shall be limited to the costs of providing staff, equipment and supplies necessary to the center's program of activities and of minor alterations and improvements necessary to provide safe and adequate programs for participation of older persons.

Local matching funds may be in the form of cash, facilities or services on the basis of a local plan submitted to and approved by the Director of Social Welfare. The local plan shall be in the form of a contract setting forth the objectives of the plan and the responsibilities of the local organization. No plan shall be approved unless it is generally available to the older citizens of the community without discrimination because of race, religion, creed, color, national origin or ancestry.

SEC. 2. Section 2382 of said code is amended to read:

2382. As used in this chapter:

(a) "Public agencies" means any city, or county, or other political subdivision of this state.

(b) "Older person" means any person of the age of 50 years or older.

(c) "Senior activity center" means any physical facility operated as a community service or recreational center for older persons open and available to the older citizens of a community at least three days a week.

SEC. 3. Section 18351 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session is amended to read:

18351. Funds appropriated by the Legislature or otherwise subject to expenditure for the purposes of this chapter shall be made available to local public agencies on a matching basis for

1. Community planning and development of services necessary to carry out the objectives and purposes of this chapter.

2. Demonstration of programs and activities by local communities which are particularly valuable in carrying out such purposes.

3. The provision of recreational and other leisure time activities, information, referral and counseling services, and opportunities for older persons to engage in paid or volunteer community or civic services.

The state share of any project shall not exceed 50 percent of the funds expended in connection with that project. The state share of any project involving a senior activities center shall be limited to the costs of providing staff, equipment and supplies necessary to the center's program of activities and of minor alterations and improvements necessary to provide safe and adequate programs for participation of older persons.

Local matching funds may be in the form of cash, facilities, or services on the basis of a local plan submitted to and approved by the Director of Social Welfare. The local plan shall be in the form of a contract setting forth the objectives of the plan and the responsibilities of the local organization. No plan shall be approved unless it is generally available to the older citizens of the community without discrimination because of race, religion, creed, color, national origin or ancestry.

SEC. 4. Section 18352 of said code as proposed by said bill is amended to read:

18352. As used in this chapter:

(a) "Public agencies" means any city, county, or other political subdivision of this state.

(b) "Older person" means any person of the age of 50 years or older.

(c) "Senior activity center" means any physical facility operated as a community service or recreational center for older persons open and available to the older citizens of a community at least three days a week

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 Sections 2381 and 2382 of the Welfare and Institutions Code as amended by Sections 1 and 2 of this act are repealed.

CHAPTER 2060

An act to amend Section 1620.1 of the Welfare and Institutions Code and Section 16001 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session, relating to care of children.

[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 1620.1 of the Welfare and Institutions Code is amended to read:

1620.1. The provisions of Section 1620 shall not apply to the receiving and care of a child or children under 16 years of age by a relative, nor to such receiving and care of children from only one family by a close friend or the parent or guardian with the consent of the parent or guardian when such receiving and care is without compensation and occurs only occasionally and irregularly, or, if regularly given, is for an average of three hours or less, on days when the care is provided.

SEC. 2. Section 16001 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session is amended to read:

16001. The provisions of Section 16000 shall not apply to the receiving and care of a child or children under 16 years of age by a relative, nor to such receiving and care of children from only one family by a close friend of the parent or guardian with the consent of the parent or guardian, when such receiving and care is without compensation and occurs only occasionally and irregularly, or, if regularly given, is for an average of three hours or less, on days when the care is provided.

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 1620.1 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

CHAPTER 2061

An act to amend Section 7027 of, and to add Section 6979 to, the Education Code, and to amend Section 3303 of the Welfare and Institutions Code, relating to residence.

[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 6979 is added to the Education Code, to read:

6979. No period of residence in this state is required for participation in any program administered by the department, except as required by federal law or regulations.

SEC. 2. Section 7027 of said code is amended to read:

7027. Vocational rehabilitation services may only be provided any disabled individual 16 years of age or over:

(a) For whom it has been determined vocational rehabilitation may be satisfactorily achieved;

(b) Who is found to be in financial need with respect to rehabilitation services, except that counseling, rehabilitation

training, and job placement shall be made available without regard to financial need.

SEC. 3. Section 3303 of the Welfare and Institutions Code is amended to read:

3303. Any blind person of suitable age, character, and qualifications, and such other physically handicapped persons so qualified as it is practicable to receive therein may be admitted for employment in any center of California Industries for the Blind. The rate of wages to be paid workers and the conditions of employment in the California Industries for the Blind shall be fixed by the department.

CHAPTER 2062

An act to amend Sections 12821 and 12822 of, and to add Sections 12821.1 and 12826 to, the Education Code, relating to testing programs in 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 12821 of the Education Code is amended to read:

12821. The State Board of Education shall require a minimum testing program in all school districts and shall adopt rules and regulations governing the frequency and methods of administration of the testing programs.

The State Board of Education shall annually designate or redesignate the achievement, the physical performance test, and the intelligence test, which shall be used during the ensuing school year in any grade of this testing program except as provided in Section 12824.

SEC. 2. Section 12821.1 is added to said code, to read:

12821.1. Before approving, pursuant to Section 12821, any achievement test or any intelligence test, the State Board of Education shall require the owners of such test who wish to sell copies of the test to school districts for the purposes of Section 12822 to submit to the board a statement as follows:

(a) A designation of the price at which the owners will make the tests available for purchase by school districts in California during the period of approval in the quantity or quantities specified by the board.

(b) A declaration that the price of the test so specified does not exceed the lowest price at which the owner is offering, or during the period of approval will offer, the test, in the same or comparable quantities, for sale to any state or school district in the United States.

(c) The statement shall be accompanied by a bond executed by good and sufficient sureties, in an amount determined

by the board, assuring that if the board approves the test pursuant to Section 12821, the test:

(1) Will be made available to school districts at the prices specified in the statement for the period during which the test is an approved test.

(2) Will conform to the test submitted, except as changes therein may be authorized or required by the board.

SEC. 3. Section 12822 of said code is amended to read:

12822. The governing board of each district shall, in accordance with the rules and regulations of the State Board of Education, conduct a testing program in the district.

SEC. 4. Section 12826 is added to said code, to read:

12826. No city, county, city and county, or district superintendent of schools or any principal or teacher of any elementary or secondary school under his charge shall carry on any program of intensive preparation of the pupils within the district for the testing program as such or the particular test used therein.

CHAPTER 2063

An act to amend Sections 3566, 3568 and 3569 of the Elections Code, relating to ballot measures.

[Approved by Governor July 21, 1965. Filed with Secretary of State July 23, 1965.]

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

SECTION 1. Section 3566 of the Elections Code is amended to read:

3566. Whenever any measure qualifies for a place on the ballot the Secretary of State shall transmit a copy of the measure to the Legislative Counsel. The Legislative Counsel shall prepare an impartial analysis in general terms showing what effect a Yes and No vote will have on the measure and an impartial detailed analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis in general terms shall be printed in the first part of the ballot pamphlet between the ballot title and the arguments for and against the measure immediately following the number and title of each measure and shall be set clearly apart from the arguments for and against the measure and shall conclude with the statement for further details see below. The detailed analysis shall be printed in the ballot pamphlet between the general analysis and the arguments for and against the measure. The length of the general analysis shall not exceed 100 words. The length of the detailed analysis shall not exceed 500 words except with the approval of the State Board of Control.

SEC. 2. Section 3568 of said code is amended to read:

3568. The ballot pamphlets shall contain:

(a) A complete copy of all measures submitted to the voters by:

(1) The Legislature.

(2) Initiative or referendum petition.

(b) A copy of the specific constitutional or statutory provision, if any, proposed to be affected.

(c) A copy of the arguments provided for in this chapter and in Section 1, Article IV of the Constitution.

(d) A copy of the analyses provided for in this chapter.

SEC. 3. Section 3569 of said code is amended to read:

3569. The ballot pamphlets shall be printed in two parts, separately paged. The first part, which shall consist of the analyses of, and arguments for and against the measures in the same order in which they are to appear upon the ballot, shall be printed in not less than eight-point type, indicated in boldface with respect to the analyses of the measures, shall be preceded by the numbers and ballot titles provided for in this chapter, and shall in each case be preceded by a reference, printed in blackface type, to the page on which begins the text of the measure as printed in the second part of the pamphlet.

CHAPTER 2064

An act to amend Section 1731 of the Public Utilities Code, relating to the Public Utilities Commission.

[Approved by Governor July 21, 1965. Filed with Secretary of State July 23, 1965.]

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

SECTION 1. Section 1731 of the Public Utilities Code is amended to read:

1731. After any order or decision has been made by the commission, any party to the action or proceeding, or any stockholder or bondholder or other party pecuniarily interested in the public utility affected, may apply for a rehearing in respect to any matters determined in the action or proceeding and specified in the application for rehearing. The commission may grant and hold a rehearing on those matters, if in its judgment sufficient reason is made to appear. No cause of action arising out of any order or decision of the commission shall accrue in any court to any corporation or person unless the corporation or person has filed application to the commission for a rehearing before the effective date of the order or decision, or, if the commission fixes a date earlier than the 10th day after issuance as the effective date of the order or decision, unless the corporation or person has filed such application for rehearing before the 10th day after the date of issuance.

CHAPTER 2065

An act to amend Sections 6536, 6632, 6633, 6634, 6635, and 6549.1 of, and to add Section 6635.2 to, the Business and Professions Code, relating to barbers.

[Approved by Governor July 21, 1965. Filed with Secretary of State July 23, 1965]

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

SECTION 1. Section 6632 of the Business and Professions Code is amended to read:

6632. The amount of the fees payable in connection with certificates of registration to practice barbering is as follows:

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

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

(c) The renewal fee shall be fixed by the board at not more than twenty dollars ($20) nor less than ten dollars ($10) for each biennial renewal period

(d) The restoration fee is an amount equal to twice the renewal fee in effect when the application for restoration is filed.

SEC. 2. Section 6633 of said code is amended to read:

6633. The amount of the fees payable in connection with certificates of registration to practice as an apprentice is as follows:

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

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

(c) The renewal fee shall be fixed by the board at not more than twenty dollars ($20) nor less than ten dollars ($10) for each biennial renewal period.

(d) The restoration fee is an amount equal to twice the renewal fee in effect when the application for restoration is filed.

SEC. 3. Section 6634 of said code is amended to read:

6634. The amount of the fees payable in connection with certificates to conduct a barbershop is as follows:

(a) The inspection fee to be paid by an applicant to conduct a new barbershop or an existing shop at a new location shall be fixed by the board at not more than thirty-five dollars ($35) nor less than twenty-eight dollars ($28).

(b) The certificate fee to be paid by an applicant to conduct a new barbershop or an existing shop at a new location shall be fixed by the board at not more than ten dollars ($10) nor less than five dollars ($5).

(c) The fee to be paid by an applicant to conduct an existing barbershop under new ownership is shall be fixed by the board at not more than ten dollars ($10) nor less than six dollars ($6).

(d) The renewal fee shall be fixed by the board at not more than twenty dollars ($20) nor less than ten dollars ($10) for each biennial renewal period.

(e) The restoration fee is an amount equal to twice the renewal fee in effect when the application for restoration is filed.

SEC. 4. Section 6635 of said code is amended to read:

6635. The amount of the fees payable in connection with certificates of registration for a barber college is as follows:

(a) The fee for the issuance of a certificate is one hundred dollars ($100);

(b) The annual renewal fee is one hundred dollars ($100).

(c) The restoration fee is two hundred dollars ($200).

SEC. 5. Section 6635.2 is added to said code, to read:

6635.2. The enrollment fees for students enrolling in a barber college shall be fixed by the board at not less than five dollars ($5) nor more than ten dollars ($10). Persons enrolling in a barber college under the provisions of Section 6537.1 will not be required to pay an enrollment fee.

SEC. 6. Section 6536 of said code is amended to read:

6536. No college shall enroll or admit any student thereto unless the student prepares in duplicate a duly verified application. The application shall be in the form and contain the matters the board prescribes and shall be obtained by the student or the college from the board.

One copy of the application shall be retained by the college enrolling or admitting the student and the other copy shall be filed by the college with the board, together with an enrollment fee as prescribed by this chapter.

Any student who has filed an application for enrollment or attendance at a college as required by this section shall not be required to file another application to attend theory classes at another approved college which is in the immediate area of and under the same administration and ownership as the college at which he is enrolled; provided, adequate records are maintained at each separate college where the student is in training.

If the board determines from the information contained in the application filed with it that the applicant may not be eligible to take the examination after graduation in compliance with Section 6546, it shall give the applicant written notice thereof, stating the reason for the board's conclusion. An applicant receiving such a notice from the board may request a hearing thereon. Such notice shall be mailed from the office

of the board within 30 days from the date the application for enrollment is received by the board. The hearing 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.

SEC. 7. Section 6549.1 of said code is amended to read:

6549.1. In order to conduct a new barbershop or an existing shop at a new location, the applicant shall pay the inspection fee and the certificate fee prescribed by this chapter. The fee for a certificate to conduct an existing barbershop under new ownership is the fee prescribed for such certificate by this chapter.

CHAPTER 2066

An act to amend Section 231 of the Probate Code and Section 1410 of the Code of Civil Procedure, relating to escheat of funds held by specific trust funds.

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

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

SECTION 1. Section 231 of the Probate Code is amended to read:

231. If the decedent leaves no one to take his estate or any portion thereof under the laws of this state, the same escheats to the state as of the date of the death of the decedent. Property passing to the state under this section, whether held by the state or its officers, is subject to the same charges and trusts to which it would have been subject if it had passed by succession, and is also subject to the provisions of Title 10 of Part 3 of the Code of Civil Procedure relating to escheated estates. Notwithstanding any other section or provision of this code or any other statute, rule, regulation, law or decision, moneys held by trust funds for purposes of providing health and welfare, pension, vacation, severance, supplemental unemployment insurance benefits or similar benefits shall not pass to the state or escheat to the state.

SEC. 2. Section 1410 of the Code of Civil Procedure is amended to read:

1410. The Attorney General shall, from time to time, commence actions on behalf of the state for the purpose of having it adjudged that title to unclaimed property to which the state has become entitled by escheat has vested in the state, and for the purpose of having it adjudged that property has been actually abandoned or that the owner thereof has died and there is no person entitled thereto and the same has escheated and vested in the state. Such actions shall be brought in the Superior Court for the County of Sacramento; except that if any real property covered by the petition is not situated in the County of Sacramento, an action respecting the real property shall be commenced in the superior court for the county

in which such real property or any part thereof is situated. The Attorney General shall cause to be recorded in the office of the county recorder of the county in which the real property is situated, a notice of the pendency of the petition containing the names of the parties, and the object of the action and a description of the property in the county affected thereby. From the time of filing such notice for record only, shall a purchaser or encumbrancer of the property affected thereby be deemed to have constructive notice of the pendency of the action, and only of the pendency against parties designated by their real names.

Such action shall be commenced by filing a petition. The provisions of Section 1420, relating to the facts to be set forth in the petition, joinder of parties and causes of action, and the provisions of Section 1423, relating to appearances and pleadings, shall be applicable to any proceeding had under this section.

Upon the filing of the petition, the court shall make an order requiring all persons interested in the property or estate to appear on a day not more than 90 days nor less than 60 days from the date of the order and show cause, if any they have, why title to the property should not vest in the State of California.

Service of process in such actions shall be made by delivery of a copy of the order, together with a copy of the petition, to each person who claims title to any property covered by the petition and who is known to the Attorney General or the Controller or who has theretofore filed in the office of the Controller a written request for such service of process, stating his name and address, including street number, or post-office box number, if any, and by publishing the order at least once a week for four consecutive weeks in a newspaper published in the county in which the action is filed, the last publication to be at least 10 days prior to the date set for the hearing.

Upon completion of the service of process, as provided in this section, the court shall have full and complete jurisdiction over the estate, the property, and the person of everyone having or claiming any interest in the property, and shall have full and complete jurisdiction to hear and determine the issues therein, and to render an appropriate judgment.

In addition to the foregoing publication of the order, a notice shall be given by publication, at least once a week for four successive weeks in a newspaper published in the county from which the property was forwarded to the State Treasury or is situated, of each estate and item of property from such county or situated in such county in excess of one thousand dollars ($1,000). Such notice shall state that a petition has been filed and an order made as hereinbefore provided and shall list each estate and item in excess of one thousand dollars ($1,000) and show the amount of the property, if money, or a description thereof, if other than money, and the name of the owner or claimant and his last known address. Any omission or defect

in the giving of such additional notice shall not affect the jurisdiction of the court.

If it appears from the facts found or admitted that the state is entitled to the property or any part thereof mentioned in the petition, judgment shall be rendered that title to such property or part thereof, as the case may be, has vested in the state by escheat.

No costs of suit shall be allowed against any party in any action or proceeding had under this section. Notwithstanding any other section or provision of this code or any other statute, rule, regulation, law or decision, moneys held by trust funds for purposes of providing health and welfare, pension, vacation, severance, supplemental unemployment insurance benefits or similar benefits shall not pass to the state or escheat to the state.

CHAPTER 2067

An act to add Section 13468.5 to the Education Code, relating to the public school system.

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

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

SECTION 1. Section 13468.5 is added to the Education Code, to read:

13468.5. Any days of leave of absence for illness or injury allowed pursuant to Section 13468 may be used by the employee, at his election, in cases of personal emergency, including any of the following:

(a) Death of a member of his immediate family.

(b) Accident, involving his person or property, or the person or property of a member of his immediate family.

(c) Appearance in court as a litigant; or as a witness under an official order.

The governing board of each school district shall adopt rules and regulations requiring and prescribing the manner of proof of personal emergency for purposes of this section. No such accumulated leave in excess of six (6) days may be used in any school year for the purposes enumerated in this section.

CHAPTER 2068

An act to add Section 574 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 23, 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 Streets and Highways Code, to read:

574. Route 274 is from Route 5 near Balboa Avenue to Route 103.

CHAPTER 2069

An act to amend Sections 17305 and 18253 of the Education Code, relating to automobile driver training.

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

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

SECTION 1. Section 17305 of the Education Code is amended to read:

17305. (a) In addition, subject to the provisions of Section 17305.5, there shall be provided such sum as the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of instructing pupils in the operation of motor vehicles. The amount shall not exceed forty-five dollars ($45) per pupil instructed in automobile driver training, in accordance with the rules and regulations as set forth by the State Board of Education. Such amounts as are necessary to carry out the provisions of this section are appropriated from the General Fund and shall be transferred therefrom to the State School Fund by the State Controller each fiscal year.

(b) Subject to the provisions of Section 17305.5, there shall also be provided the sum the Superintendent of Public Instruction shall certify as necessary to reimburse school districts for the actual cost of replacing vehicles and simulators used exclusively in automobile driver training programs, but the amount shall not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of forty-five dollars ($45) per pupil instructed, and (2) expended by the district in replacing such vehicles and simulators. Reimbursement for vehicles shall be computed for only that portion of the total mileage used exclusively in driver training programs.

(c) For purposes of computing reimbursement, whenever a school district replaces a driver training vehicle or simulator purchased by the district with a vehicle or simulator that is a gift or loan, the purchase price of such new or acquired equipment shall be deemed to be the market value of the vehicle or simulator acquired through a gift or loan.

A simulator is any automobile driver training device approved by the Department of Education to be used in classrooms for purposes of driver training instruction under simulated driving conditions.

SEC. 2. Section 18253 of said code is amended to read:

18253. The Superintendent of Public Instruction shall make an additional allowance to each school district as reimbursement for the actual expense of replacing vehicles used exclusively in automobile driver training programs and of replacing simulators used in such programs, but the amount shall

not exceed three-fourths of that part of the actual cost of instructing pupils in automobile driver training during the preceding fiscal year which was: (1) in excess of forty-five dollars ($45) per pupil instructed, and (2) expended by the district in replacing such vehicles and simulators. Reimbursement for vehicles shall be computed for only that portion of the total mileage used exclusively in driver training programs.

For purposes of computing reimbursement, whenever a school district replaces a driver training vehicle or simulator purchased by the district with a vehicle or simulator that is a gift or loan, the purchase price of such new or acquired equipment shall be deemed to be the market value of the vehicle or simulator acquired through a gift or loan.

SEC. 3. It is the intent and purpose of the Legislature, on the effective date of this act to require its provisions to be immediately operative and applicable commencing with the 1964–65 fiscal year.

CHAPTER 2070

An act to add Section 21251.145 to the Government Code, relating to retirement allowances under the State Employees' Retirement System.

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

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

SECTION 1. Section 21251.145 is added to the Government Code, to read:

21251.145. The monthly equivalent of the maximum annual amount subject to contribution under the federal system shall be four hundred dollars ($400) for all periods after December 31, 1964 for purposes of Section 21251.14 and 20601 5 of this part (commencing with Section 20000) and any contract provision under Section 20497 of this part which provides for a reduced fraction of final compensation and reduced contribution rate as applied to such part of final compensation and compensation respectively which does not exceed such monthly equivalent, notwithstanding increases thereafter in the amounts subject to contribution under the federal system.

SEC. 2. This act shall become operative October 1, 1965.

CONCURRENT AND JOINT RESOLUTIONS
AND
CONSTITUTIONAL AMENDMENTS

REGULAR SESSION

1965

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

ADOPTED AT THE 1965 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

Assembly Concurrent Resolution No. 2—Approving the Charter of the City of Pomona, County of Los Angeles, State of California, ratified by the qualified electors of said city at an election held therein on the third day of November, 1964.

[Filed with Secretary of State January 8, 1965.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the Charter of the City of Pomona, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city as follows, to wit:

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

State of California
County of Los Angeles } ss.
City of Pomona

We, the undersigned, Harry A. Faull, Mayor of the City of Pomona, County of Los Angeles, State of California, and L. B. Thomas, City Clerk of said city, do hereby certify and declare as follows:

That the City of Pomona now is and at all times herein mentioned was a city containing a population of over 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; that the Council of said city did, on its own motion, cause to be framed a proposed Charter for the city's own government, and on August 31, 1964, said proposed charter was filed in the office of the City Clerk of said city; that at a regular meeting held September 8, 1964, said Council, by ordinance duly adopted, called a special election to be held in said city for the purpose of submitting to the qualified electors of said city a proposal

for the adoption of said proposed charter; that by order of said Council and by order of the Board of Supervisors of the County of Los Angeles said special election was duly consolidated with the statewide general election held on November 3, 1964, and said Council authorized said Board of Supervisors to canvass the returns of said special election;

That said proposed charter was published in The Progress-Bulletin, the official newspaper of said city and a newspaper of general circulation printed and published in said city, on September 15th, 1964, and in each edition thereof during the day of publication; that said date of publication was within 15 days after said proposed charter was filed with the City Clerk and said special election was held not less than 40 nor more than 60 days after the completion of said advertising in said official newspaper;

That beginning with the date of said publication of the proposed charter and continuing until the day fixed for said special election, a notice was published and advertised in said The Progress-Bulletin that copies of said proposed charter may be had upon application therefor at the office of the City Clerk of said city; that such copies were so available; that copies of said proposed charter were printed in convenient pamphlet form and in type of not less than 10-point and copies thereof were mailed to each of the qualified electors of said city;

That said special election was duly called, notices thereof were duly given, and said special election was duly held and conducted at the time and in the form and manner required by the existing charter of said city and by law on November 3, 1964; that following said election said Board of Supervisors caused the returns of said election to be duly canvassed as provided by law and certified the results of said canvass to said Council and said Council thereupon, by resolution entered on its minutes, declared the results of the canvass of the returns of said election, and found, determined and declared that a majority of the qualified voters voting upon said proposed charter at said special election voted in favor of such proposed charter and that said charter shall be deemed ratified and shall be submitted to the Legislature at its next regular session; that the results as so declared show that at said special election 18,537 votes were cast in favor of the adoption of said charter and 9,415 votes were cast against such adoption;

That in connection with the submission, approval and ratification of said charter all of the provisions of Section 8 of Article XI of the Constitution of the State of California, of the laws of said State and of the existing charter of said city have been fully complied with in each and every particular;

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

CHARTER

CITY OF POMONA, CALIFORNIA

TABLE OF CONTENTS

ARTICLE I NAME AND SUCCESSION

Section 101 Existence and Name
Section 102 Existing Regulations
Section 103 Rights and Liabilities
Section 104 Present Officers and Employees

ARTICLE II BOUNDARIES OF CITY AND COUNCILMANIC DISTRICTS

Section 201 City Boundaries
Section 202 Councilmanic Districts
Section 203 Changes in Boundaries of Councilmanic Districts

ARTICLE III CITY POWERS

Section 301 Powers

ARTICLE IV ELECTIVE OFFICERS

Section 401 Mayor and Councilmen
Section 402 Eligibility
Section 403 Vacancies
Section 404 Compensation
Section 405 Absentees
Section 406 Mayor

ARTICLE V THE COUNCIL

Section 501 Powers
Section 502 Composition
Section 503 Meetings
Section 504 Place of Meeting
Section 505 Proceedings and Quorum
Section 506 Citizen Participation
Section 507 Vote Required
Section 508 Adoption of Ordinances and Resolutions
Section 509 Publication of Ordinances
Section 510 When Ordinances May Become Effective
Section 511 Codification of Ordinances

ARTICLE VI CITY ADMINISTRATOR

Section 601 Office and Appointment
Section 602 Eligibility

Section 603 Powers and Duties
Section 604 Assistant City Administrator

ARTICLE VII OTHER OFFICERS, DEPARTMENTS AND EMPLOYEES AND PROVISIONS RELATING TO OFFICERS GENERALLY

Section 701 Other Officers to be Appointed by Council
Section 702 City Clerk
Section 703 City Attorney
Section 704 City Treasurer
Section 705 Department and Director of Finance
Section 706 Administrative Organization
Section 707 Additional Officers and Departments
Section 708 Combining of Offices and Departments
Section 709 Power of Appointment by Officers and Department Heads
Section 710 Nepotism
Section 711 Administering Oaths
Section 712 Official Bonds
Section 713 Political Activity
Section 714 Reports
Section 715 Holding More Than One Office or Position
Section 716 Non-Discrimination
Section 717 Oath of Office
Section 718 Absentees
Section 719 Personnel Merit System
Section 720 Retirement System

ARTICLE VIII APPOINTIVE BOARDS AND COMMISSIONS

Section 801 In General
Section 802 Qualifications
Section 803 Absentees
Section 804 Issuance of Subpoenas and Administering Oaths
Section 805 Board of Library Trustees
Section 806 Organization and Procedure for Board of Library Trustees
Section 807 Powers and Duties of Board of Library Trustees

ARTICLE IX BOARD OF EDUCATION

Section 901 Board of Education

ARTICLE X ELECTIONS

Section 1001 Primary Elections
Section 1002 General Municipal Elections
Section 1003 Special Elections
Section 1004 General Procedure

Section 1005 Nominations by Electors
Section 1006 Nominations at Primary Election for General Election
Section 1007 Election at Primary
Section 1008 Ballots
Section 1009 Elections to Fill Vacancies

ARTICLE XI REVENUE, TAXATION AND FISCAL ADMINISTRATION

Section 1101 Fiscal Year
Section 1102 Capital Program Report
Section 1103 Preparation of Proposed Annual Budget
Section 1104 Submission of Proposed Budget to Council and Fixing of Hearing thereon
Section 1105 Hearing on and Adoption of Budget
Section 1106 Failure to Adopt a Budget
Section 1107 Effect of and Amendment of Budget
Section 1108 Tax Procedure
Section 1109 Tax Limits
Section 1110 Bonded Debt Limit
Section 1111 Claims Against City
Section 1112 Demands
Section 1113 Claims for Damage
Section 1114 Registering Warrants
Section 1115 Actions Against City
Section 1116 Independent Audit

ARTICLE XII REVENUE BONDS

Section 1201 Authority to Issue and Required Vote

ARTICLE XIII CONTRACTS

Section 1301 In General
Section 1302 Centralized Purchasing
Section 1303 Contracts to be Let by Council on Competitive Bidding
Section 1304 Illegal Interest in Contracts

ARTICLE XIV FRANCHISES

Section 1401 Requirement and Granting of Franchises
Section 1402 Procedure
Section 1403 Term of Franchise
Section 1404 Eminent Domain
Section 1405 Right of City to Use Poles

ARTICLE XV INITIATIVE, REFERENDUM, AND RECALL

Section 1501 In General

ARTICLE XVI DEFINITIONS AND MISCELLANEOUS

Section 1601 Definitions
Section 1602 Violations
Section 1603 Severability
Section 1604 Headings
Section 1605 Effective Date

CHARTER OF THE CITY OF POMONA CALIFORNIA

Article I

NAME AND SUCCESSION

Section 101. Existence and Name. The municipal corporation now existing, and known as the City of Pomona, herein called the City, shall remain and continue a municipal corporation organized and existing under the Constitution of the State of California.

Section 102 Existing Regulations All lawful ordinances, resolutions, orders, rules, and other regulations of the City, or portions thereof, in effect at the time this Charter takes effect and not inconsistent or in conflict with the provisions of this Charter, are hereby continued in force and effect until duly repealed, superseded or amended.

Section 103. Rights and Liabilities. The City shall remain vested with, and continue to hold, own and control all rights and property of every nature and description held, owned or controlled by it at the time this Charter takes effect, and it shall be subject to all debts, obligations, contracts and other liabilities existing at that time

Section 104. Present Officers and Employees Each person who, at the time this Charter takes effect, holds an office of the City shall continue to hold the same office under this Charter until his successor is elected or appointed, and is qualified, under this Charter All employees of the City at the time this Charter takes effect shall continue to perform the duties of their respective employments subject to this Charter and ordinances, resolutions, orders, rules and regulations now existing or hereafter enacted. The rates of compensation of all officers and employees of the City in effect at the time this Charter takes effect shall remain in effect until lawfully changed.

Article II

BOUNDARIES OF CITY AND COUNCILMANIC DISTRICTS

Section 201 City Boundaries The boundaries of the City shall be the boundaries as established at the time this Charter

takes effect, but said boundaries may be changed in the manner prescribed by law.

Section 202. Councilmanic Districts The City is hereby divided into four councilmanic districts (formerly called wards) designated and described as follows:

First Councilmanic District—All that portion of the City lying west of the center line of Garey Avenue and north of the right-of-way of the main line of the Southern Pacific Railroad

Second Councilmanic District—All that portion of the City lying west of the center line of Garey Avenue and south of the right-of-way of the main line of the Southern Pacific Railroad.

Third Councilmanic District—All that portion of the City lying east of the center line of Garey Avenue and south of the right-of-way of the main line of the Southern Pacific Railroad.

Fourth Councilmanic District—All that portion of the City lying east of the center line of Garey Avenue and north of the right-of-way of the main line of the Southern Pacific Railroad.

Section 203. Changes in Boundaries of Councilmanic Districts. The boundaries of said councilmanic districts, but not the number thereof, may be changed by ordinance adopted by the Council by a four-fifths vote of all its members; provided, that districts established by the Council shall be as nearly equal in population as practicable, and provided further that the Council shall not change the boundaries of districts more than once in any two-year period and no such change shall be made within the period of one hundred twenty days preceding a general municipal election. The foregoing limitations shall not apply to changes made necessary by annexations to the City. Until such time as the Council has exercised its power to change the boundaries of the districts, territory annexed to the City shall automatically be added to the district or districts within which such territory falls according to the descriptions set forth in Section 202 After the Council has once exercised its power to change the boundaries of districts, territory annexed to the City shall immediately be added to the district specified by ordinance adopted by the Council.

Article III

CITY POWERS

Section 301. Powers. The City shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter and in the Constitution of the State. Nothing in this Charter shall be construed to prevent or restrict the City from exercising or acting pursuant to, and the City is hereby authorized to exercise and act pursuant to, all rights, powers, privileges and procedures heretofore or hereafter established, granted or prescribed by any law of the State or by other lawful authority, or which a municipal cor-

poration might or could exercise, or act pursuant to, under said Constitution, unless the exercise thereof, or action pursuant to, is expressly prohibited by this Charter. The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions of this section.

Article IV

ELECTIVE OFFICERS

Section 401. Mayor and Councilmen. The elective officers of the City shall be a Mayor and four Councilmen elected at the times and in the manner provided in this Charter. The Mayor shall serve for a term of two years and until his successor qualifies. Each of the Councilmen shall serve for a term of four years and until his successor qualifies. Candidates for the office of Mayor shall be nominated from the City at large and the Mayor shall be elected by a vote of the electors of the City at large. Each office of Councilman shall be a separate office and one of such offices shall be assigned to each of the four councilmanic districts of the City. Candidates for each office of Councilman shall be nominated from such district by the electors of such district and shall be residents of such district but all Councilmen shall be elected by vote of the electors of the City at large. The Mayor and four Councilmen in office at the time this Charter takes effect shall continue in office until the expiration of the respective terms for which they were elected and until their respective successors are elected and qualified as provided in this Charter. The term of office of each elective officer elected hereunder shall commence at the time of the official canvass and declaration of the results of the election at which he is elected.

The Mayor shall be elected in each odd-numbered year. The Councilmen of the first and fourth councilmanic districts shall be elected in each fourth year after 1963. The Councilmen of the second and third councilmanic districts shall be elected in each fourth year after 1965.

Section 402. Eligibility. To be eligible to hold the office of Mayor or Councilman, a person must be a citizen of the United States, must be a qualified elector of the City, and must be, and have been for at least one year immediately preceding the date of his election or appointment, a resident of the City. A Councilman must also be a resident of the councilmanic district from which he is nominated at the times he is nominated and elected and for a period of six months prior to the time he is nominated. In the event any Councilman shall cease to be a resident of the district from which he (or, in the case of an appointee, his predecessor) was nominated his office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a Councilman ceases to be a resident of the district from

which he (or, in the case of an appointee, his predecessor) was nominated solely because of a change in the boundaries of any district as in this Charter provided, he shall not lose his office by reason of such change.

Section 403. Vacancies. If for any reason or cause a vacancy shall occur in any elective office, such vacancy shall be filled as follows:

(a) If such vacancy occurs one year or more before the next general municipal election, the Council shall immediately cause a special election to be held to fill the vacancy.

(b) If such vacancy occurs less than one year but sixty days or more before the next general municipal election, the Council shall appoint a person to fill the vacancy.

(c) If such vacancy occurs less than sixty days before the next general municipal election, the Council may, but is not required, to appoint a person to fill the vacancy, but if the Council fails to fill the vacancy a successor shall be elected at such general municipal election to fill the unexpired term, if any.

(d) Any person elected to fill a vacancy shall serve for the remainder of the entire unexpired term of the former incumbent and until his successor is qualified. Any person appointed to fill a vacancy shall serve until the next general municipal election and until his successor is qualified, and at such general municipal election a successor shall be elected to serve for the remainder of the unexpired term, if any, and until his successor is qualified.

(e) In any case where the Council is required to cause a special election to be held to fill a vacancy, it may temporarily appoint a person to fill the vacancy until a person is elected at such special election and qualifies, if the Council first determines that such temporary appointment is essential to the proper conduct of city business.

(f) No primary election shall be held to nominate candidates to be voted on at a special election to fill a vacancy. The candidates shall be nominated by electors for election at the special election and the person receiving the highest number of votes shall be deemed elected.

(g) Any person appointed under the provisions of this section to an office of Councilman must at the time of his appointment and for a period of six months prior thereto be a resident of the councilmanic district from which his predecessor was nominated.

(h) If by reason of major disaster or for any other reason all five seats on the Council are vacant, the next immediate past three living Mayors of the City still residing in the City shall, by majority vote or written appointment, appoint a Mayor and four Councilmen who shall temporarily serve as such until their successors are qualified and who shall immediately proceed to cause all of such vacancies to be filled by election or appointment, as the case may be, in the manner provided in this section. The past Mayors so acting may ap-

point one or more of their own number to serve temporarily as above provided.

Section 404. Compensation As compensation for their services, the Mayor and Councilmen shall each receive compensation at the respective rates in effect at the time this Charter becomes effective; provided, that these rates of compensation may be changed by majority vote of the electors of the City voting on such change at any City election at which the question of such change may be submitted by the Council or pursuant to the power of initiative, but no reduction in compensation for any such office shall affect the compensation of any person who holds the office at the time such question is voted upon, during the remainder of his then existing term of office. In addition to the foregoing compensation, said officers shall be entitled to reimbursement for their necessary expenses incurred in the performance of their official duties in connection with authorized city business.

Section 405. Absentees. If the Mayor or any Councilman shall absent himself from the City or from all regular meetings of the Council for any period of more than thirty days consecutively, without the consent of the Council entered in its minutes, or if any such officer is convicted of a crime involving moral turpitude, the Council shall declare the office vacant The Council shall not grant such consent to any such officer for a longer period than sixty days except for the purpose of attending to official City business, but any such consent may be renewed if good and sufficient reasons exist

Section 406. Mayor. The Mayor, in addition to the powers and duties prescribed elsewhere in this Charter, shall have the power and duty:

(a) To report to the Council from time to time on the affairs of the City and to recommend for its consideration such matters as he may deem expedient.

(b) To be the official head of the City for all ceremonial purposes.

(c) To assume the primary but not the exclusive responsibility for interpreting to the people the policies, programs and needs of the City government and for informing the people of any major change in policy or program.

(d) To exercise and perform such other powers and duties as may be delegated to or required of him by this Charter or by the Council if not inconsistent with the provisions of this Charter.

Article V

THE COUNCIL

Section 501 Powers. All powers of the City shall be vested in the Council except as otherwise provided in this Charter.

Section 502 Composition. The Council shall consist of the Mayor and the four Councilmen, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council The Mayor shall be the presiding officer of the Council. The Council shall designate one of the Councilmen as Vice-Mayor and in case of the temporary absence or disability of the Mayor or during such period as a vacancy exists in the office of Mayor, the Vice-Mayor shall preside at Council meetings and perform such other of the duties of the Mayor as the Council may assign to him.

Section 503. Meetings. The Council shall hold regular meetings at such times as may be prescribed by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and hour fixed in the order of adjournment, and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. Special meetings may be held as provided by law.

Section 504. Place of Meeting. All meetings of the Council shall be open to the public, and shall be held in the Council Chambers in the City Hall or in such place to which any such meeting may be adjourned; provided, that if by reason of fire, flood or other emergency it shall be unsafe or impractical to meet at the regular meeting place, the Council may for the duration of the emergency meet at some other place designated in writing by the Mayor or, if he fails to act, by any three Councilmen.

Section 505. Proceedings and Quorum. A majority of the then members of the Council shall constitute a quorum for the transaction of business at any meeting, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as the Council may by ordinance prescribe. In the event all members of the Council are absent from any meeting, the City Clerk may declare the same adjourned to a stated day and hour in the manner provided by law. The Council shall judge the qualifications of its members as such qualifications are provided in this Charter. It shall judge all returns of City elections. It shall establish rules for the conduct of its proceedings and may evict any member or any other person for disorderly conduct at any meeting and may prosecute any member or other person for such conduct.

Each member of the Council and the City Clerk shall have the power to administer oaths and affirmations in any investigation or proceedings pending before the Council. The Council shall have the power to issue subpoenas, to compel by subpoena the attendance of witnesses and the production of documents and other evidence, to examine witnesses under oath and to take and hear evidence, in relation to any matter pending before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. Disobedience of any subpoena or the refusal to testify upon other than legal grounds shall constitute a misdemeanor and shall be punish-

able in the same manner as violations of this Charter are punishable.

No action for the payment of money shall be taken at other than a regular or adjourned regular meeting.

The City Clerk shall call the roll and cause the ayes and noes to be entered in the minutes upon demand of any member or in the case of any action for the adoption of an ordinance, the payment of any money, the incurring of any debt, the appointment or removal of any officer, the granting of any franchise, the making of any contract, the ordering of work to be done or supplies to be furnished, the disposing of or leasing of City property, and the ordering or confirmation of any assessment for public improvements.

Section 506. Citizen Participation. At each regular meeting the Council shall, if requested, grant any person, personally or through counsel, reasonable opportunity to present grievances or offer suggestions for the betterment of City affairs, subject to such rules for orderly procedure as the Council or its presiding officer may prescribe.

Section 507. Vote Required. Except in cases where a higher vote is required by other provisions of this Charter, the affirmative votes of at least three members of the Council shall be required for the adoption of any ordinance or resolution or for the taking of any action which under Section 505 requires the taking of ayes and noes by roll call, except actions requiring the taking of ayes and noes solely by reason of the demand of a member. Other actions may be taken by majority vote of the members present. A vacancy on the Council, when it may be filled by appointment, may be filled by majority vote of the then members of the Council.

Section 508. Adoption of Ordinances and Resolutions. No ordinance, except ordinances which under this Charter may take effect upon adoption, shall be adopted by the Council on the day of its introduction nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall be delivered into the custody of the City Clerk. At the time of its adoption an ordinance or resolution shall be read in full unless, after the reading of the title thereof, the further reading is waived by unanimous consent of the members of the Council present. In the event that any ordinance is altered after its introduction it shall not be adopted within five days after it is altered nor at any time other than at a regular or adjourned regular meeting; provided, that the correction of typographical or clerical errors shall not be deemed an alteration within the meaning of this sentence.

The enacting clause of ordinances adopted by the Council shall be substantially as follows: "Be it ordained by the Council of the City of Pomona as follows:"

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Section 509. Publication of Ordinances. All ordinances shall be published at least once in a newspaper published in the City within fifteen days after its adoption. In the event there is no newspaper published in the City, then ordinances shall be posted in three public places in the City within said time.

Section 510. When Ordinances May Become Effective. No ordinance adopted by the Council shall become effective until thirty days from and after the date of its adoption, except the following, which may take effect upon adoption or at such other time as the Council may specify therein:

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

(b) An ordinance relating to a local improvement proceeding adopted under some law or procedural ordinance, or providing for the issuance of or otherwise relating to bonds of the City authorized by vote of its electors.

(c) An ordinance fixing or declaring the amount of money to be raised by taxation, or fixing rates of taxation, or levying the annual tax upon property.

(d) An ordinance declared by the Council to be necessary for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and passed by a four-fifths vote of the Council.

(e) Any other ordinance which the Constitution of the State or this Charter does not require be subject to the power of referendum.

The provision of any ordinance specifying an effective date less than thirty days from and after the date of its adoption shall be severable, and if invalid, such provision shall not affect the validity of the remainder of the ordinance and such ordinance shall take effect thirty days from and after the date of its adoption unless suspended by exercise of the power of referendum.

Section 511. Codification of Ordinances. Any or all ordinances of the City which have been adopted and published in the manner required at the time of their adoption may at any time be compiled, consolidated, and rearranged as an ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the adoption of an ordinance for that purpose. Such code need not be published in the manner prescribed for other ordinances but not less than three copies thereof shall be on file in the office or the City Clerk, for the use and examination of the public, for at least ten days prior to the adoption of such code. Ordinances or portions of ordinances so codified shall be deemed repealed as of the effective date of such code. Following the adoption of such code, amendments to the code shall be adopted and published as ordinances. The codification of some ordinances pursuant to this section shall not prevent the later codification of other ordinances in the same manner.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section. Maps, charts, diagrams and similar material pertaining to or a part of any ordinance may also be adopted by reference in the same manner.

Article VI

CITY ADMINISTRATOR

Section 601. Office and Appointment. There shall be a City Administrator who shall be the chief administrative officer of the City and who shall be appointed by the affirmative vote of a majority of all then members of the Council. In the selection of a City Administrator the Council shall invite applications by qualified and available persons and shall carefully consider and screen all applicants to the end that the person appointed shall be the one the Council considers to be the best qualified on the basis of his executive and administrative qualifications, with special reference to his experience in, and knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter. The City Administrator shall serve at the pleasure of the Council and may be removed at any time by the affirmative vote of a majority of all members of the Council. He shall devote his full time to the discharge of his official duties. He shall be paid a salary fixed by the Council, which salary shall be commensurate with his responsibilities.

Section 602. Eligibility. The City Administrator need not be a resident of the City at the time of his appointment but he shall establish his residence within the City within six months after his appointment, unless for good cause shown such period is extended by the Council, and he shall thereafter maintain his residence within the City during his tenure of office No person shall be eligible to appointment as City Administrator while serving as a member of the Council nor within three years after he has ceased to be such member.

Section 603. Powers and Duties. The City Administrator shall be the head of the administrative branch of the City government and shall be responsible to the Council for the proper administration of the affairs of the City. Without limiting the generality of the foregoing sentence, the City Administrator shall have the power and duty:

(a) To appoint, and when he deems necessary, to suspend or remove, but subject to the personnel merit system provisions of this Charter, the Assistant City Administrator, the Director of Finance and all other officers and department heads of the City except elective officers and except those officers and department heads the power of whose appointment is vested in the Council or in the Board of Library Trustees; provided, that all such appointments and removals shall be subject to

the approval of the Council before becoming effective, but provided, further, that a temporary appointment for a period not to exceed sixty days may be made by the City Administrator without Council approval.

(b) To serve as the chief personnel officer of the City and to administer the personnel merit system.

(c) To prepare annually the proposed budget, submit such proposed budget to the Council and be responsible for the administration of the budget after adoption.

(d) To prepare and submit to the Council as of the end of each fiscal year, and at such other times as directed by the Council, a comprehensive report regarding the administrative activities of the City.

(e) To keep the Council advised from time to time of the financial condition and future needs of the City and to make such recommendations as he may deem desirable.

(f) To prepare rules and regulations governing the contracting for, purchasing, storing, distribution, use or disposal of all supplies, materials, equipment or other property or services required by the City or any office, department or branch of the City government, and to recommend such rules and regulations to the Council for adoption.

(g) To see that all laws of the State pertaining to the City, the provisions of this Charter and ordinances of the City are enforced.

(h) To prescribe such general administrative rules and regulations, consistent with this Charter and City ordinances, as he may deem necessary or proper for the general conduct of the administrative offices and departments under his control.

(i) To attend all Council meetings unless he is excused from attendance by the Council or unless he is unable to attend because of sickness or absence from the City on official business, and to participate in the deliberations of the Council but without the right to vote.

(j) To exercise and perform such other powers and duties as may be prescribed by this Charter or which may be delegated to or required of him by the Council if not inconsistent with the provisions of this Charter.

Section 604. Assistant City Administrator. There shall be an Assistant City Administrator who shall exercise and perform the powers and duties of the City Administrator during the absence or disability of the City Administrator or during a vacancy in that office; provided, that during a vacancy in such office the Council may temporarily appoint some other officer or department head of the City as Acting City Administrator to exercise and perform the powers and duties of such office, or such portion thereof as the Council may specify. During the absence or disability of the Assistant City Administrator or during a vacancy in that office the City Administrator may appoint some other officer or department head of the City as Acting Assistant City Administrator to exercise and

perform the powers and duties of such office or such portion thereof as the City Administrator may specify.

Article VII

OTHER OFFICERS, DEPARTMENTS AND EMPLOYEES AND PROVISIONS RELATING TO OFFICERS GENERALLY

Section 701. Other Officers to be Appointed by Council. There shall be a City Clerk, a City Attorney, and a City Treasurer, each of whom shall be appointed by the affirmative vote of a majority of all then members of the Council, shall serve at the pleasure of the Council and may be removed at any time by the affirmative vote of a majority of all then members of the Council; provided, that persons elected to and holding the offices of City Auditor (ex-officio City Clerk), City Assessor (ex-officio City Treasurer) and City Attorney at the time this Charter becomes effective shall continue to hold the offices of City Clerk, City Treasurer and City Attorney, respectively, under this Charter for the remainder of the term for which each was elected and thereafter as appointed officers subject to the provisions of this section. A person appointed to any of the offices provided for in this section need not be a resident of the City at the time of his appointment but he shall establish his residence within the City within six months after his appointment, unless for good cause shown such period is extended by the Council, and he shall thereafter maintain his residence within the City during his tenure of office; provided, however, that a person appointed to the office of City Attorney shall be exempt from the foregoing residence requirement if he has, for the period of one year next preceding his appointment, continuously maintained within the City an office for the practice of law, either alone or as a member or associate of a law firm

Section 702. City Clerk. The City Clerk shall have the power and duty:

(a) To attend, in person or by deputy, each meeting of the Council and to record and keep a full and true record of all proceedings of the Council.

(b) To keep and maintain separate books in which shall be recorded all ordinances and resolutions, with his certificate attached to each thereof stating the same to be the original or a correct copy thereof, and also to keep and maintain separate books in which there shall be recorded all contracts and official bonds.

(c) To keep and maintain appropriate affidavits or other instruments evidencing the publication or posting of all ordinances in accordance with the provisions of this Charter.

(d) To have the custody of, and be responsible for, all contracts, papers, bonds, instruments and other records belonging to the City, except those of the foregoing which by the provi-

sions of this Charter or by order of the Council are required or permitted to be kept in the custody of other officers or departments.

(e) To keep all records of the City in his custody in orderly arrangement and properly indexed and open to public inspection.

(f) To be the custodian of the seal of the City.

(g) To have charge of all City elections.

(h) To administer oaths and affirmations, to take affidavits and depositions pertaining to City affairs, and to certify copies of official City records.

(i) To exercise and perform such other powers and duties as may be delegated to or required of him by this Charter, by state law or by the Council if not inconsistent with the provisions of this Charter.

Section 703. City Attorney. To be and remain eligible to hold the office of City Attorney the holder of the office must be an attorney-at-law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least five years prior to his appointment.

The City Attorney shall have the power and duty:

(a) To prosecute on behalf of the people all criminal cases for violations of provisions of this Charter and ordinances of the City, and such misdemeanor offenses for violations of laws of the State occurring within the City as in his opinion or in the opinion of the Council warrant his attention.

(b) To represent and advise the Council and all City officers, departments, boards and commissions, and to give his advice or opinion in writing when so requested by any of the foregoing.

(c) To represent and appear for the City in any action or proceeding in which the City is a party or is otherwise interested or concerned.

(d) To represent and appear for any City officer or employee or former City officer or employee, in any action or proceeding in which any such officer or employee is a party or otherwise concerned in his official City capacity; provided, that where such interest or concern of any such officer or employee in any such action or proceeding is adverse to the City or some other officer or employee of the City, the Council shall determine what party or person the City Attorney shall represent and shall provide special counsel for the other party or person.

(e) To attend, in person or by deputy, all regular meetings of the Council and such other meetings thereof as he or the Council deem to require his presence, and at any such meeting to keep the Council fully advised as to the law affecting or relating to the actions or proposed actions of the Council.

(f) To prepare ordinances and resolutions as requested of him by the Council.

(g) To approve, by endorsement thereon, in writing, the form of all proposed ordinances, resolutions, contracts and bonds.

(h) To surrender to his successor all books, papers, correspondence, files and other documents in his possession which pertain to City affairs.

(i) To perform such other duties pertaining to the legal affairs of the City as may be required by this Charter or by the Council if not inconsistent with the provisions of this Charter.

The Council shall have control over all litigation and other legal business or proceedings relating to or affecting the City and it may employ other attorneys to take charge of any such litigation or matter or to assist the City Attorney therein

Section 704. City Treasurer The City Treasurer shall have the power and duty:

(a) To receive all taxes, assessments, license fees and other moneys, revenues and funds coming to the City or any officer, department, board, commission, or employee thereof and belonging to the City or for which the City is responsible for collection or custody.

(b) To have custody of all money and funds belonging to or under the control of the City or any office, department, board, commission, or other agency of the City, and to deposit all money and funds coming into his hands in such depository or depositories as may be designated by resolution of the Council or, in absence of such designation, in such depository as may be designated by the City Administrator, all subject to and in compliance with the provisions of the Constitution and laws of the State governing the handling, depositing and securing of public funds

(c) To disburse moneys and funds under his control on demands audited in the manner provided for in this Charter.

(d) To prepare and submit to the Director of Finance monthly a written statement and report of all receipts and disbursements during the preceding calendar month and the fund balances at the end of such month, a copy of which shall be filed with the City Administrator.

(e) To make special reports from time to time as may be required by the Council or the City Administrator.

(f) To be, subject to procedures established by the Council by ordinance, ex-officio City Assessor and City Property Tax Collector, unless the City continues to avail itself or does in the future avail itself of the provisions of the laws of the State relative to the assessment of property and the collection of City property taxes by County officers, or unless the Council by ordinance provides otherwise.

(g) To exercise and perform such other powers and duties as may be delegated to or required of him by this Charter of by the Council if not inconsistent with the provisions of this Charter.

Section 705. Department and Director of Finance. There is hereby established within the City government a Department of Finance under the jurisdiction of a Director of Finance who, as head of such department, shall have the power and duty:

(a) To act as the general accountant, controller and chief fiscal officer of the City and as such to have, under the direction and supervision of the City Administrator, charge of the administration of the fiscal affairs of the City.

(b) To keep and maintain books, accounts and a general accounting system for the City and each of its offices, departments, boards, commissions and other agencies

(c) To supervise, be responsible for, and control expenditures to insure that budget appropriations are not exceeded.

(d) To audit all purchase orders before issuance, to audit and approve before payment, all bills, invoices, payrolls, demands and charges against the City and, with the advice of the City Attorney when necessary, to determine the regularity, legality and correctness of such claims, demands and charges.

(e) To submit to the Council through the Administrative Officer a monthly statement of receipts, disbursements, and balances in sufficient detail to show the general financial condition of the City.

(f) To submit to the Council through the City Administor as of the end of each fiscal year, a complete financial statement and report for such year

(g) To compile the budget expense and income estimates and otherwise assist the City Administrator in the preparation of the annual budget

(h) To exercise and perform such other powers and duties as may be delegated to or required of him by this Charter or by the Council if not inconsistent with the provisions of this Charter

Section 706. Administrative Organization. The Council shall, by ordinance not inconsistent with the provisions of this Charter, provide for the organization, conduct and operation of the several officers and departments of the City created or established by this Charter, and for the organization, conduct and operation of additional offices, departments, and divisions thereof which the Council may create or establish pursuant to this Charter.

Subject to the provisions of this Charter, the Council shall, by ordinance, provide for the number, titles, qualifications, powers, duties and compensation of all officers, deputies, and employees of the City. As far as practicable, the Council shall require that officers, deputies and employees of the City shall be or become residents of the City.

Section 707 Additional Officers and Departments. The Council shall, by ordinance not inconsistent with the provisions of this Charter, create and establish such offices, departments and divisions thereof (additional to those created or established by this Charter) as in the opinion of the Council may

be required for the proper administration and conduct of City affairs, and may from time to time alter, consolidate or abolish the same. Each office and department so established shall be headed by an officer or department head who shall be appointed, and may be suspended or removed as provided in this Charter.

Section 708. Combining of Offices and Departments. Where the positions are not in fact incompatible, the Council may, subject always to the restrictions of this Charter, combine under one officer or person the powers and duties of two or more offices or departments created or authorized by this Charter, except that no office or department shall be so combined with any other office or department where the officers who head the same are, under the provisions of this Charter, to be appointed by different persons or bodies or in a different manner one from the other.

Section 709. Power of Appointment by Officers and Department Heads. Subject to the provisions of this Charter, including the personnel merit system provisions hereof, each officer and each department head shall have the power and duty to appoint, and when he deems necessary, to suspend or remove, such deputies, assistants, subordinates and employees as are provided by the Council for his office or department; provided, that each such appointment and removal shall, before becoming effective, receive a favorable certification of the City Administrator as in this Charter provided.

Section 710. Nepotism. The Council shall not appoint any person to any salaried position in the City government who is a relative by blood or marriage within the third degree of any member of the Council, nor shall the City Administrator nor any officer or department head appoint any relative of his within such degree to any such position.

Section 711. Administering Oaths. Each officer and his deputies and department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his office or department.

Section 712. Official Bonds. The Council shall, by ordinance, fix the amounts and terms of the official bonds of all officials and employees of the City who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved by the City Attorney as to form, and shall be filed with the City Clerk, except that any bond of the City Clerk shall be filed with the Director of Finance. The premiums on official bonds shall be paid by the City.

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

Section 713. Political Activity. Whoever, being a City officer or being in nomination for or while seeking election or appointment to any City office, shall use or promise to use, directly or indirectly, any official authority or influence, whether then possessed or merely anticipated, to aid any other person to secure any office or appointment in the service of the City or any increase of salary, upon the condition that such other person's vote or political influence shall be given or used in behalf of any candidate, officer or political party or association, or upon any other corrupt condition, shall be guilty of a misdemeanor. Every person found guilty of such misdemeanor as aforesaid, shall upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars or more than one thousand dollars, or to be imprisoned not less than ten days or more than one year, or to both said fine and said imprisonment in the discretion of the court. If the person convicted be a public officer, he shall, in addition to any other punishment imposed, be deprived of his office and be forever debarred and disqualified from holding any position in the service of the City.

No officer or employee of the City, except elective officers, shall become a party worker or solicitor in any City election on behalf of any other person running for a City office, and any violation of this provision shall be sufficient cause for his removal from office.

Section 714. Reports. Each officer and each department head shall submit to the City Administrator as of the end of each fiscal year a full report of all operations of his office or department for that year, and shall from time to time make such other reports on the operations of his office or department as the City Administrator may require.

Section 715. Holding More Than One Office or Position. One person may hold two or more offices or positions in the City government except where prohibited by other provisions of this Charter and except as follows:

(a) No person shall hold two offices or positions which are in fact incompatible.

(b) No person shall hold both the office of City Treasurer and Director of Finance.

(c) Except where expressly permitted by this Charter, no member of the Council shall hold any other City office nor shall he hold any other office, position or employment for which compensation is paid out of City moneys, nor shall he be eligible to be elected or appointed, within one year after the expiration of the term for which he was elected or appointed as a member of the Council, to any office or position which was created, or the compensation for which was increased, while he was a member of the Council.

Section 716 Non-discrimination. No appointment to or removal from any office, position or employment in the City government shall be made or withheld by reason of any religious or political opinions or affiliations, or by reason of race

or color, of the person whose appointment or removal is under consideration or, except as otherwise provided in this Charter, by reason of his previous political services, and no transfer, promotion, demotion or change in compensation of any officer or employee shall be made or withheld by reason of any such opinions, affiliations, race, color or services; provided, however, that no officer, department head or employee of the City shall belong to or be a member of any party, organization, or association which advocates the overthrow of the government or Constitution of the United States by force or violence.

Section 717. Oath of Office. Each officer and employee of the City, including each member of a board of commission of the City, before entering upon his duties, shall take the oath of office required by the Constitution of the State of California and shall file the same with the City Clerk.

Section 718. Absentees. If any officer or department head of the City, other than a member of the Council or any board or commission of the City, shall absent himself from the City, or from the place or places therein where he is required to perform his duties, for more than ten days consecutively, without the consent of the Council entered in the minutes, the Council may declare the office vacant; provided, that this restriction shall not apply to authorized vacation or leave periods. The Council shall not grant such consent to any such officer for a longer period than sixty days except for the purpose of attending to official City business, but any such consent may be renewed if good and sufficient reasons exist.

Section 719. Personnel Merit System. The Council shall by ordinance establish a personnel merit system for the selection, employment, classification, advancement, suspension and discharge of those appointive officers and employees who may be included in the system. The system may consist of the establishment of minimum standards of employment and qualifications for the various classes of employment, or it may consist of a comprehensive system, as the Council shall determine to be for the best interests of the public service The ordinance shall designate which offices and departments and which officers and employees are to be included within the system. By subsequent ordinances the Council may amend the system or the list of departments, offices, officers and employees included therein. The system shall comply with all other provisions of this Charter.

Section 720. Retirement System Authority and power are hereby vested in the City, its Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted or required under the provisions of the State Employee's Retirement Law, as it now exists or may hereafter be amended, to enable the City to continue as a contracting City under the State Employees' Retirement System The Council may terminate any contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance

adopted by a majority vote of the electors of the City voting on such proposition at an election at which such proposal is presented.

Article VIII

APPOINTIVE BOARDS AND COMMISSIONS

Section 801. In General. There shall be a Board of Library Trustees which shall be appointed and which shall have the powers and duties as in this article provided. In addition the Council, by ordinance, may create such additional boards and commissions within the City government as in its judgment are required, may abolish or change the same, may provide for the number, additional qualifications, manner of appointment, terms of office if any, compensation if any, and removal of the members thereof, and may grant to such boards and commissions such powers and duties as are consistent with the provisions of this Charter Each board or commission shall keep adequate records of its activities and minutes of its meetings and shall file copies thereof with the City Clerk The Council, acting through a planning commission or otherwise, shall at all times provide for adequate city planning, including an appropriate master plan and proper zoning regulations.

Section 802. Qualifications. Each member of a board or commission created by or pursuant to the provisions of this article, including the Board of Library Trustees, shall be a qualified elector of the City and no voting member of any such board or commission shall hold any other office or position in the City government for which compensation is paid; provided, however, that in the case of a board or commission other than the Board of Library Trustees not more than one member of the Council may be a voting member thereof at any one time. All appointments of members of boards and commissions, including the Board of Library Trustees, shall be made without regard to race, creed, color, national origin, sex or political affiliation.

Section 803. Absentees. If any member of any board or commission created by or pursuant to the provisions of this article shall absent himself from the City, or from all regular meetings of the board or commission of which he is a member, for any period of more than thirty days consecutively, without the consent of the Council entered in its minutes, or if any such member is convicted of a crime involving moral turpitude, the Council may declare the office vacant. The Council shall not grant such consent to any such officer for a longer period than sixty days except for the purpose of attending to official City business, but any such consent may be renewed if good and sufficient reasons exist.

Section 804. Issuance of Subpoenas and Administering Oaths. Each member of, and any person who performs the duties of clerk or secretary of, any board or commission created by or pursuant to this article shall have the power to ad-

minister oaths and affirmations in any investigation or proceedings pending before such board or commission. Each such board or commission shall have the power to issue subpoenas, to compel by subpoena the attendance of witnesses and the production of documents or other evidence, to examine witnesses under oath and to take and hear evidence, in relation to any matter pending before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. Disobedience of any subpoena or the refusal to testify upon other than legal grounds shall constitute a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable.

Section 805. Board of Library Trustees. The public library known as the Pomona Public Library shall be under the control and management of a Board of Library Trustees consisting of five members, each of whom shall be appointed by the Council for a term of four years, except that in the case of a vacancy the Council shall appoint a member to serve for the unexpired term of his predecessor. The position of member of such board shall be one of honorary trust without salary or compensation. In addition to the other qualifications provided in this article, each member must be not less than twenty-five years of age and shall have been a resident of the City for at least one year prior to his appointment.

Section 806. Organization and Procedure for Board of Library Trustees. The Board of Library Trustees shall elect one of its members as its president and shall appoint a secretary who may, but need not, be a member of the Board. The president and secretary shall serve at the pleasure of the Board. The Board shall hold regular meetings at such times, not less than four times each year, as it may prescribe by resolution or order. A majority of the then Board shall constitute a quorum for the transaction of business at any meeting but a lesser number may adjourn from time to time. All meetings of the Board shall be open to the public and shall be held at such place as the Board shall from time to time specify by resolution or order. The secretary shall keep and maintain a complete record of all proceedings of the Board. Subject to the provisions of this article, and applicable provisions of law, the Board shall establish such rules for the conduct of its proceedings as it may deem necessary.

Section 807. Powers and Duties of Board of Library Trustees. Except as otherwise provided in this Charter, the Board of Library Trustees shall have the exclusive power and duty to administer and govern the library and library department, to determine the policies under which the same shall be operated, and to exercise and perform such powers and duties consistent with this section as may be necessary or desirable for the proper administration and government of the library and the library department.

The foregoing provision is subject to the following provisions and restrictions:

(a) The Council shall have the sole power to fix the tax rate for the department.

(b) The annual budget for the department shall be part of the annual city budget to be adopted by the Council. The Board shall prepare and submit annually to the Council through the Director of Finance and the City Administrator, as in this Charter provided, estimates of the income to and expenses of the department for the ensuing fiscal year and a proposed budget for the department for such year and the Council shall consult with the Board before adopting the final budget.

(c) Subject to the exceptions stated in this Charter, the City Treasurer shall have custody of all money and funds of the department.

(d) The Director of Finance shall be the chief accounting officer for the department and shall maintain its books and records of revenue and expenditures which shall be subject to audit and control as in the case of other departments of the City.

(e) The Council shall have the power to establish the number, position classifications, qualifications and compensation of all non-professional employees of the department and the personnel merit system shall apply to such employees. "Non-professional employees" means employees who are not required to have, for the proper performance of their duties, previous professional education or experience in the field of library operation.

(f) The provisions of this Charter shall apply to the purchase of all supplies and other property for the department except books, journals, publications, maps, audio-visual equipment and other personal property peculiar to the operation of the department.

(g) The Council shall have jurisdiction and control over the acquisition or construction of all buildings or other public works for the department.

Article IX

BOARD OF EDUCATION

Section 901. Board of Education. There shall be a Board of Education, consisting of such members, not less than five, as may now or hereafter be provided by the Education Code of the State of California, who shall be elected at elections called, held and conducted as now or hereafter provided in said Education Code.

The qualifications, terms of office, compensation and removal of the members of the Board of Education, and the causes for and the filling of vacancies thereon, shall be governed by the provisions of said Education Code.

Article X

ELECTIONS

Section 1001. Primary Elections. For the purpose of nominating candidates to be voted upon at the general municipal election and for such other purposes as the Council may prescribe, a primary election shall be held in the City on the second Tuesday of March preceding the general municipal election.

Section 1002. General Municipal Elections. For the election of elective officers under this Charter and for such other purposes as the Council may prescribe, a general municipal election shall be held in the City on the second Tuesday of April in each odd-numbered year.

Section 1003. Special Elections. Any other municipal election held in the City under the authority of this Charter, the Constitution of the State, or any law under which the City may act, shall be known as a special municipal election. A special election shall be called by the Council by ordinance or resolution.

Section 1004. General Procedure. Except as otherwise provided in this Charter and except as may otherwise be provided by ordinance enacted by the Council and not inconsistent with the provisions of this Charter, all municipal elections shall be held, canvassed, conducted and otherwise governed by the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended or superseded, governing municipal elections The conduct of all City elections shall be under the control of the Council, and the Council shall by ordinance or resolution provide for the holding of each City election and shall for each election provide for a convenient number of precincts and polling places therein, and shall appoint a convenient number of election officers for each polling place, each of whom shall receive such compensation as the Council shall fix.

Section 1005. Nominations by Electors. Except as otherwise provided in this Charter and, in particular, except as otherwise provided in the provisions hereof relating to the nomination of Councilmen by the electors of councilmanic districts, candidates nominated by electors for an elective office to be voted on at any primary election shall be nominated in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, or superseded, governing the nomination of candidates for elective offices in general law cities.

Section 1006. Nominations at Primary Election for General Election. Subject to the provisions of Section 1007, candidates for elective City offices to be voted on at the general municipal election shall be nominated at the primary election as herein provided and no name shall be printed upon the ballot for the general municipal election other than those se-

lected at the primary election as herein provided, but nothing in this section shall be construed to prevent a voter from voting, either at the primary election or at the general election, for any qualified person whose name does not appear upon the ballot, by writing such person's name on the ballot in a blank space to be provided on the ballot under each office to be voted on. The two candidates receiving the highest number of votes for a given office at the primary election shall be the candidates, and the only candidates, for such office whose names shall be printed upon the ballot used at the general municipal election.

Section 1007. Election at Primary. If at the primary election any candidate for an elective office receives a majority of the total number of votes cast for all candidates for such office, he shall be deemed elected to such office with the same force and effect as if he had been elected at the general municipal election and such office shall not appear upon the ballot at the general municipal election. If a person is so elected at the primary election to each of the offices to be filled, the general election shall not be held.

Section 1008. Ballots. At the primary election and at the general municipal election, the office of Mayor shall appear first upon the ballot, followed by such offices of Councilmen as are to be voted on, in the numerical order of the numbers of the Councilmanic districts to which they relate, and the names of the candidates for each office shall appear upon the ballot in alphabetical order. There shall be nothing on any ballot indicative of the party affiliation or support of any candidate.

Section 1009. Elections to Fill Vacancies. Where because of a prior vacancy a successor is to be elected to any office to serve for the remainder of an unexpired term, or until the next general election, as the case may be, such office shall appear on the ballot at the primary election, the general election or special election, with a designation that it is a short term to fill a vacancy.

Article XI

REVENUE, TAXATION AND FISCAL ADMINISTRATION

Section 1101. Fiscal Year. Unless otherwise provided by the Council by ordinance, the fiscal year of the City shall begin on the first day of July of each year and end on the next following thirtieth day of June.

Section 1102. Capital Program Report. At the time the City Administrator submits to the Council the proposed budget for the next ensuing fiscal year, or prior thereto, he shall submit to the Council a report showing:

(a) The capital improvements proposed to be undertaken during the next ensuing fiscal year and the then estimated

cost of, and the proposed method of financing, each of said capital improvements, and

(b) The additional capital improvements which he recommends be undertaken during the four fiscal years next following the ensuing fiscal year and the then estimated cost of, and the proposed method of financing, each of said additional capital improvements.

Section 1103. Preparation of Proposed Annual Budget. On or before such date in each year as the City Administrator shall determine, each officer and department head and each board and commission shall submit to the City Administrator through the Director of Finance in writing estimates of the expenditures deemed required for the administration and proper conduct of his office or department or such board or commission, as the case may be, during the next ensuing fiscal year, and also estimates of any revenue expected to accrue to the City through such office, department, board or commission during such year. Such estimates shall be in such form and detail as may be prescribed by the City Administrator. The City Administrator with the advice and assistance of the Director of Finance shall review such estimates, hold conferences thereon with the respective officers, departments, boards and commissions and may revise the estimates as he may deem advisable.

Section 1104. Submission of Proposed Budget to Council and Fixing of Hearing Thereon. At least thirty-five days prior to the beginning of each fiscal year, the City Administrator shall submit to the Council the proposed budget as prepared by him. After reviewing the same and making such revisions as it may deem advisable, the Council shall fix a time for holding a public hearing thereon and shall cause to be published a notice of such hearing not less than ten days prior to the date fixed therefor, by at least one insertion in a newspaper published in said City. In the event there is no newspaper published in the City, said notice shall be posted in three public places in the City at least ten days prior to said hearing. At least ten days before said hearing copies of such proposed budget shall be available in the office of the City Clerk for inspection by any interested person.

Section 1105. Hearing on and Adoption of Budget. The hearing on the proposed budget shall be held before the Council at the time so fixed and may be continued from time to time by order entered on the minutes, and at such hearing the Council shall hear all persons desiring to be heard thereon. After the conclusion of such hearing the Council shall further consider the proposed budget, may make any revisions therein it deems advisable, and prior to the first day of the fiscal year to which the budget is to apply shall adopt a budget for such year. A copy of such budget, certified by the City Clerk as having been adopted by the Council, shall be placed on file in the office of the City Clerk and shall be there available for public inspection. A further copy, likewise certified, shall be

filed with the Director of Finance. Copies of the budget shall be made available for the use of each office, department, board and commission of the City.

Section 1106. Failure to Adopt a Budget. If the Council fails to adopt a budget for any fiscal year prior to the first day of such year the amounts appropriated for current operation for the prior fiscal year shall be deemed adopted for the current fiscal year on a month to month basis, with all items in it prorated accordingly, until such time as the Council adopts a budget for the current fiscal year

Section 1107. Effect of and Amendment of Budget. The adoption of the budget shall constitute an appropriation to the several offices, departments, boards and commissions for the respective objects and purposes named therein. All appropriations shall lapse at the end of the fiscal year to which the budget applies to the extent that they shall not have been expended or lawfully encumbered. At any time following the adoption of the budget the Council, by the affirmative vote of at least three members, may amend or supplement the budget to authorize the transfer of all or any part of unused and unencumbered balances appropriated for one purpose to another purpose, to appropriate available funds not included in the budget or to cancel in whole or in part any appropriation not expended or encumbered.

Section 1108. Tax Procedure. The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, may be prescribed by the Council by ordinance. Unless otherwise provided by ordinance, the City shall continue to use, for the purpose of ad valorem municipal taxation of property, the county system of assessment and tax collection, as such system is now in effect or may hereafter be amended and insofar as such system is not in conflict with the provisions of this Charter.

If, in any year, the Council fails to fix the rate of and levy ad valorem property taxes on or before the final date on which, by virtue of any applicable law or ordinance, such rate can effectively be fixed and such taxes can effectively be levied for such year, then the rate for the preceding fiscal year shall be deemed automatically adopted for the current fiscal year and a tax at such rate shall be deemed automatically levied on all taxable property in the City for such current fiscal year.

Section 1109. Tax Limits. Except as otherwise provided in this section, the annual levy of ad valorem property taxes by the Council for municipal purposes shall not exceed the rate of one dollar on each one hundred dollars of the assessed value, for purposes of City taxation, of taxable property in the City, unless authorized by the affirmative votes of a majority of those electors voting on a proposition to increase such levy at any election at which the question of such additional levy is submitted to the electors of the City. The term of years during which such additional levy may or shall be made shall be specified in any such proposition so submitted. Such propo-

sition may also restrict the use of the proceeds of the additional levy to a purpose or purposes specified in the proposition. Such a proposition may be so submitted by the Council on its own motion or the power of initiative may be used to require the submission of such a proposition.

The foregoing limit shall not apply to, and the Council shall levy and collect each year in the same manner as other property taxes for City purposes are levied and collected, a tax sufficient to pay, as the same fall due, all principal of and interest on any bonded indebtedness constituting a general obligation of the City; provided that nothing in this paragraph shall be construed to prevent the City from paying such principal or interest out of any other available revenues of the City.

The foregoing limit also shall not apply to, and the Council may levy and collect each year, taxes sufficient to provide for the establishment, operation and support of public parks, playgrounds and libraries, and the operation and support of other recreational, cultural and public assembly facilities.

Section 1110. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed fifteen percent of the total assessed value for purposes of City taxation of all the taxable real and personal property in the City. The City shall not incur any bonded indebtedness constituting a general obligation of the City unless such indebtedness is authorized by the affirmative votes of not less than two-thirds of those electors voting on the question of incurring such indebtedness at any election at which such question is submitted to the electors of the City.

Section 1111. Claims Against City. To the extent that pursuant to Section 10 of Article XI of the State Constitution the legislature has prescribed, by laws applicable to charter cities, procedures governing the presentation, consideration and enforcement of claims against cities or against officers, agents or employees thereof, such laws shall govern in such matters and shall, to the extent required by such laws, prevail over any provision of this Charter or any ordinance or regulation of the City which is inconsistent with such laws.

Section 1112. Demands. All demands against the City except claims for damage must be in writing, must specify the date, nature and amount of each item included therein, and may be in the form of a bill, invoice, payroll or formal demand. Each such demand shall be presented to the Director of Finance within one year after the last item of the account or claim accrued, or within such shorter time as is otherwise prescribed by law. The Director of Finance shall examine and audit each such demand. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be properly charged, he shall approve such demand and draw and issue a warrant on the City Treasurer therefor, payable out of the proper fund. Otherwise he shall reject it.

Each such demand rejected by the Director of Finance shall be transmitted to the Council and the Council may overrule the objection of the Director of Finance and order a warrant for the payment thereof drawn and issued; provided, that if the demand is one for an item for which there does not remain an unexhausted balance of an appropriation against which the same may be properly charged, the Council shall not order a warrant for the payment thereof drawn and issued until it has amended or supplemented the budget, as in this Charter provided, to make an appropriation against which such claim may be properly charged.

The Council may from time to time adopt such additional regulations as it may deem necessary for the orderly processing and payment of demands which regulations may include, but need not be limited to a requirement that certain types of demands or demands over a specified amount shall be approved by the City Administrator or by the Council before a warrant is issued in payment thereof.

The City Treasurer shall draw and issue a warrant, without approval of any body or officer, for payment of the principal of or interest on municipal or other bonds payable out of funds in the City Treasury, upon presentation and surrender of the bond or coupon evidencing the same.

Section 1113. Claims for Damage. Any claim for damages against the City, including any claim relating to a cause of action for death of, or for injury to, any person or for injury to property, shall be presented within the time, and shall be presented, considered and disposed of in the manner, specified by general law.

Section 1114. Registering Warrants. A warrant on the City Treasurer not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of registration when funds are available therefor and shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

Section 1115. Actions Against City. No suit for money or damages shall be brought against the City or any officer, board of commission thereof, unless and until a claim or demand for the same has been presented as in this Charter provided any such claim or demand has been rejected in whole or in part.

Section 1116. Independent Audit. Within ninety days after the beginning of each fiscal year, the Council shall employ a certified public accountant, or firm of certified public accountants, who shall examine, at such time or times as may be specified by the Council, the books, records, inventories and reports of all officers and employees who receive, handle or disburse City moneys and the books, records, inventories and reports of such other officers, employees or departments as the Council may direct. The accountant shall make to the Council such periodic reports as the Council may direct, and as soon as practicable following the close of the fiscal year, he shall

make a final audit and report and present the same to the Council. The Council shall not employ any accountant who, or any firm of accountants any member or employee of which, holds any City office or other City position.

Such accountant shall have the right and power to examine any or all books, papers and other records of the City or of any officer, department, employee, board or commission thereof.

Article XII

REVENUE BONDS

Section 1201. Authority to Issue and Required Vote. The City shall have the power to issue revenue bonds for the purpose of financing the acquisition, construction, extension, improvement or repair of any municipal utility or other revenue producing facilities, except utilities or facilities for the production, distribution or sale of electricity or gas, but no such bonds shall be issued unless the same shall first be authorized by the affirmative vote of a majority of those electors voting on the question of incurring such indebtedness at any election at which such question is submitted to the electors of the City. The Council may issue and sell bonds so authorized, may fix the terms and conditions thereof, and may make, fix and establish such covenants, conditions, terms and provisions as it deems necessary or desirable to facilitate the issuance and sale of the bonds or for the protection and security of the holders thereof. Bonds issued pursuant to this article shall not be general obligations of the City but shall be payable, principal and interest, solely from revenues or other special funds specifically pledged to that purpose.

Article XIII

CONTRACTS

Section 1301. In General. Except as otherwise provided in this Charter, the City shall not be bound by any contracts unless the same shall be made in writing, shall be authorized by resolution of the Council or by an officer or department head of the City authorized to make such contract under authority delegated to him by the Council in accordance with the provisions of this Charter or by resolution of a board or commission authorized by this Charter to make such contract, and shall be signed on behalf of the City by the Mayor and City Clerk or by such one or more other officers or department heads as may be designated for that purpose by the Council or by the officer, department head, board or commission authorized to make such contract. The Mayor and City Clerk or any other officer or department head so designated to sign a contract shall sign the same when so directed by the Council, officer, department head, board or commission

having the power to authorize such contract. Before any contract on behalf of the City is executed the same shall be approved as to form by the City Attorney by his endorsement thereon; provided, that the City Attorney may in writing approve for use, with such exceptions as he may designate, purchase order forms and other standard contract forms, and in such event and until such approval is revoked by the City Attorney, contracts on behalf of the City of the type for which such form was approved may be made in such form without the necessity of individual endorsement by the City Attorney on each contract so made.

Nothing in this section, or elsewhere in this Charter, shall be construed to prevent the Council from authorizing and establishing for any office or department a petty cash or similar fund, not exceeding an amount specified by the Council out of which the officer or department head in charge of such office or department may make, or authorize the making of, purchases of supplies, materials or services not exceeding for any one item an amount specified by the Council.

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility, by the head of the department in which such utility falls, or by the City Administrator, upon forms approved by the Council and approved as to form by the City Attorney and at rates fixed by the Council.

Section 1302. Centralized Purchasing. Subject to the provisions of this Charter, the Council shall establish a centralized purchasing system for all City offices and departments; provided, that the Council, if it deems it necessary, may except one or more offices or departments from said system. The Council by ordinance shall establish the office or position of Purchasing Agent or shall provide that some other officer or employee of the City shall act as Purchasing Agent. Subject to the provisions of this Charter the Council by ordinance shall adopt rules and regulations governing the contracting for, purchasing, storing, distribution, use and disposal of all supplies, materials, equipment and other property and service required by any office or department of the City. Subject to the provisions of this Charter the Council by ordinance may delegate to the Purchasing Agent, to the City Administrator, and to other officers or department heads of the City the power and duty to make purchases and other contracts on behalf of the City for which there is an unexpended or unencumbered appropriation in the budget, under such rules and regulations as the Council may prescribe, which rules and regulations may require such officer or department head to call for competitive bids in specified instances. The Board of Library Trustees may establish for the library department a separate system for the contracting for, purchasing, storing, distribution, use and disposal of books, journals, publications, maps, audio-visual equipment and other personal property peculiar to the operation of

the library department and in that event the provisions of this section shall not apply to the library department to the extent the provisions of this section are inconsistent with such separate system.

Section 1303. Contracts to Be Let by Council on Competitive Bidding. Every contract involving a project for the construction, improvement, or repair of public buildings, public works, streets, drains, sewers, utilities, parks or playgrounds, and every contract for the purchase of supplies or materials for any such project, where the total contract price for the same exceeds the sum of twenty-five hundred dollars, shall be let by the Council to the lowest responsible bidder after notice published in a newspaper in the City at least once not later than ten days before the time fixed for opening bids. In the event that there is no newspaper published in the City, then such notice shall be posted in three public places in the City at least ten days before the time fixed for opening bids.

Even though the total expenditures required for a project may exceed the sum of twenty-five hundred dollars, separate contracts may be let without competitive bidding if the contract or contracts involving the same project let to the same contractor do not in total exceed he sum of twenty-five hundred dollars.

The Council may reject any and all bids If no bids are received or if the Council determines that the bids received are not satisfactory, it may again advertise for bids in like manner or it may determine and declare that, in its opinion, based on estimates approved by the City Administrator, the work in question may be performed more economically by the City with its own employees or the supplies or materials may be purchased more economically on the open market, and if the Council so determines and declares by resolution it may proceed to have such work performed by the City with its own employees or such supplies or materials purchased in the open market, without further observance of the provisions of this section.

The provisions of this section shall not apply to any project for the maintenance or repair of public buildings, public works, streets, drains, sewers, utilities, parks or playgrounds if the Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work. The provisions of this section also shall not apply to letting of any contract for work, supplies or material which the Council by the affirmative vote of at least four-fifths of its then members, finds to be urgently needed for the immediate preservation of life, health or property.

Section 1304. Illegal Interest in Contracts. No member of the Council or other officer or department head of the City shall have any financial interest in any contract, sale or transaction to which the City is a party if having such interest constitutes a violation of the State law pertaining to interest in contracts. Any such person having any such prohibited

interest shall be guilty of a misdemeanor, and upon conviction thereof, in addition to such penalties as may be imposed by the court, such person shall forfeit his office. Any contract, sale or transaction in which there shall be any such prohibited interest shall become void at the election of the City when so declared by resolution of the Council.

Article XIV

FRANCHISES

Section 1401. Requirement and Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with water, light, heat, electricity, gas, power, transportation, communication, refrigeration, storage, terminal facilities or any other public utility product or service, or traversing any portion of the City for the transmitting or conveying of any such product or service elsewhere, or using or occupying public streets, alleys, ways or places within the City for any such purpose or for any other purpose, shall, to the extent the State Constitution permits the City to so require, be required by ordinance to have a franchise from the City therefor. The Council may grant a franchise to any person, firm or corporation, whether operating under an existing franchise or not, and may prescribe the terms and conditions of any such grant, including the compensation to be paid to the City therefor. The Council may also provide, by procedural ordinance, the method of and procedure for the application for and granting of any such franchise and any other terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter.

Section 1402. Procedure. Before granting any franchise, the Council shall adopt a resolution declaring its intention to grant the same and stating the name of the proposed grantee, the character of the proposed franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any person having any interest in or objecting to the granting of such franchise may appear before the Council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing, in a newspaper published in the City. In the event there is no newspaper published in the City, then said resolution shall be posted in three public places in the City at least ten days before said hearing.

Said hearing shall be held by the Council at the time and place so fixed and may be continued from time to time by order entered on the minutes. At said hearing the Council shall hear all persons desiring to be heard and shall pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may by ordinance grant the franchise on the terms and conditions specified in the resolution. No

ordinance granting any franchise shall be adopted as an urgency ordinance to take immediate effect but shall be subject to the power of referendum as in this Charter provided.

Section 1403. Term of Franchise. Every franchise shall state the term for which it is granted, which shall not exceed thirty-five years; provided, however, that a franchise granted for or in connection with a public utility subject to the jurisdiction, regulation and control of the State Public Utilities Commission may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of said Public Utilities Commission or its successor, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto authorized by law, shall purchase by voluntary agreement, or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situated within the territorial limits of the State, municipal corporation or public corporation purchasing or condemning such property, or until such franchise shall be forfeited for noncompliance with its terms by its possessor.

Section 1404. Eminent Domain. No franchise, or grant of a franchise, shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the possessor thereof by purchase or condemnation, and nothing therein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

Section 1405. Right of City to Use Poles. In connection with the establishment, operation or maintenance by the City of any fire, police or other alarm, telephone or other communication system, the City shall have the right to use poles placed in the streets by any public utility company, whether or not such right has been expressly set forth and reserved in the franchise of such company.

Article XV

INITIATIVE, REFERENDUM AND RECALL

Section 1501. In General. The powers of the initiative and referendum and of the recall of elected City officers are hereby reserved to the electors of the City. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended or superseded, governing the exercise of the powers of initiative and referendum in

cities, and governing the exercise of the power of recall of municipal officers, shall apply to the exercise of those powers in the City insofar as such provisions are not in conflict with the provisions of this Charter.

Article XVI

DEFINITIONS AND MISCELLANEOUS

Section 1601. Definitions. Unless the provision or the context requires otherwise, the following terms as used in this Charter shall have the following meaning:

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

(b) "City" is the City of Pomona and "office," "department," "board," "commission," "officer," "department head" or "employee" is an office, department, board, commission, officer, department head or employee, as the case may be, of the City of Pomona.

(c) "County" is the County of Los Angeles

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

Section 1602. Violations. The violation of any provision of this Charter or of any ordinance of the City shall constitute a misdemeanor, and may be prosecuted in the name of the people of the State of California or may be redressed by civil action. Any such violation shall upon conviction be punishable by a fine of not exceeding five hundred dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Section 1603. Severability. If any provision of this Charter or the application thereof to any person or circumstances is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 1604. Headings. The headings given in this Charter to articles and sections thereof shall not affect the scope, meaning or intent of the provisions of this Charter.

Section 1605. Effective Date. This Charter shall take effect upon its approval by the State Legislature.

We further certify that we have compared the foregoing with the proposed charter filed and submitted as aforesaid and find that the foregoing is a full, true and correct copy of said Charter ratified by the electors of said city as aforesaid.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Pomona to be affixed hereto on this 7th day of December, 1964.

HARRY A. FAULL
(SEAL) Mayor of the City of Pomona, California.

L. B. THOMAS
City Clerk of the City of Pomona, California.

and

WHEREAS, The proposed charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said proposed Charter of the City of Pomona, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, as the Charter of the City of Pomona.

CHAPTER 2

Senate Concurrent Resolution No. 3—Approving amendments to the Charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a consolidated primary election and special election held therein on the second day of June, 1964.

[Filed with Secretary of State January 11, 1965]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county three (3) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said three (3) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a consolidated primary election and special election to be held in the City and County of San Francisco on the second day of June, 1964, the said three (3) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said consolidated primary election and special election was held in said City and County of San Francisco on the second day of June, 1964, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Chronicle," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the nineteenth day of June, 1964, duly certify to the board of supervisors the results of said consolidated primary election and special election as determined from the canvass of the returns thereof; and

WHEREAS, At said consolidated primary election and special election so held on the second day of June, 1964, two (2) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions C and D, and one (1) other charter amendment submitted at said consolidated primary election and special election, to wit, charter amendment designated as Proposition E received less than a majority of the votes of the electors voting thereon and was not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 156.1

thereof, to delete requirement that permanent civil service employees who are transferred because of technological advances, automation, or installation of new equipment shall serve a new probationary period

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 2, 1964, a proposal to amend the charter of said city and county by amending Section 156.1 thereof, to read as follows:

Section 156.1. When, because of technological advances, automation, or the installation of new equipment a surplus of employees is created and a permanent civil service employee who has completed his probationary period is to be laid off, the civil service commission may transfer such employee to a position within his capacities to perform, whether or not within the classification for which he qualified for appointment. The civil service commission may administer any examinations which the commission deems advisable to test the capacity of such employee, and shall be the judge of the ability of the employee to perform the duties in the position to which transfer is to be made. The position to which transfer is to be made shall not be in a classification having a higher compensation schedule than the one from which he is transferred, and compensation in the position to which transferred shall be governed by the provisions of the salary standardization ordinance and the salary ordinance. Employees transferred under the provisions of this section may, with the approval of the civil service commission and the appointing officer involved, be returned to a vacancy in his former classification. The civil service commission shall adopt rules to carry out the intent of this section, and such rules shall govern all transfers made under the provisions of this section.

Proposition D

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 161.3 thereto, relating to absences due to evacuation or exclusion from the city and county because of Japanese ancestry as they relate to membership in the San Francisco City and County Employees' Retirement System.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 2, 1964, a proposal to amend the charter of said city and county by adding Section 161.3 thereto, to read as follows:

Section 161.3. Absence commencing on or after December 7, 1941, of any member of the retirement system from city service caused by reason of his evacuation or exclusion from the city and county by an authorized military commander because such member was of Japanese ancestry shall not be

deemed to be absence from service for purposes of the retirement system, for the period of such absence, provided that he returned to city service within one year after the termination of his evacuation or exclusion, and provided further that upon his return to city service, and at times and in the manner prescribed by the retirement board, he elects to contribute to the retirement system amounts equal to the contributions which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence, if he had remained in city service.

Any member who makes the contributions as provided in the preceding paragraph shall receive credit under the retirement system for the absence as service in the same manner as if he had not been absent. If, however, a member does not affirmatively elect to make such contributions as herein provided, or if he affirmatively elects to make such contributions and defaults in any of the contributions due to the retirement system as herein provided, he shall be considered absent during the period for which no contributions are made, and he shall not receive credit in the retirement system as service for the city and county for such period; but the absence during such period shall not break the continuity of such service required of such member to entitle him to a retirement allowance as provided under the retirement system.

When a member makes the contributions as provided herein, the same contributions shall be made by the city and county in respect to such absence that would have been made by the city and county if the member had not been absent because of such evacuation or exclusion, except that such contributions shall be determined by the employer's rate of contribution in effect when such contributions are made, and on the basis of his compensation earnable at the commencement of his absence.

State of California }
City and County of San Francisco } ss:

This is to certify that we, John Jay Ferdon, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said city and county at a consolidated primary election and special election held on Tuesday, the second day of June, One Thousand Nine Hundred and Sixty-four; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City

and County of San Francisco, this twelfth day of August, One Thousand Nine Hundred and Sixty-four.

JOHN JAY FERDON
(SEAL) President of the Board of Supervisors
of the City and County of San Francisco
ROBERT J DOLAN
Clerk of the Board of Supervisors
of the City and County of San Francisco

Approved as to form:
THOMAS M. O'CONNOR
City Attorney

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

CHAPTER 3

Senate Concurrent Resolution No. 4—Approving amendments to the Charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at the general election held therein on the third day of November, 1964.

[Filed with Secretary of State January 11, 1965]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county three (3) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said three (3) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general election to be held in the City and County of San Francisco on the third day of November, 1964, the said three (3) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general election was held in said City and County of San Francisco on the third day of November, 1964, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Chronicle," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the twentieth day of November, 1964, duly certify to the board of supervisors the results of said general election as determined from the canvass of the returns thereof; and

WHEREAS, At said general election so held on the third day of November, 1964, two (2) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions F and G, and one (1) other charter amendment submitted at said general election, to wit, charter amendment designated as Proposition E received less than a majority of the votes of the electors voting thereon and was not ratified; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or

amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

PROPOSITION F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding Section 95.1 thereto relating to public works contract procedures.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held on November 3, 1964, a proposal to amend the charter of said city and county by adding Section 95.1 thereto, so that the same shall read as follows:

Public Works Contract Procedure By Ordinance

Section 95.1. Notwithstanding any other provision of this Charter and in particular the provisions of Section 95, the board of supervisors shall by ordinance determine the monetary limits not to exceed five thousand dollars ($5,000), within which the construction, reconstruction or repair of public buildings, streets, utilities or other public works or improvements may be done by contract or by written order or by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the city and county, consistent, save as to monetary limits, with the manner provided for in Section 95 and Section 88.

PROPOSITION G

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Section 10 thereof, relating to salaries of members of the board of supervisors.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 3, 1964, a proposal to amend the charter of said city and county by amending Section 10 thereof so that the same shall read as follows:

Number, Compensation and Meetings of Supervisors

Section 10. The board of supervisors shall consist of eleven members elected at large. Each member of the board shall be paid a salary of ninety-six hundred dollars ($9,600) per year, and each shall execute an official bond to the city and county in the sum of five thousand dollars ($5,000).

At twelve o'clock noon on the 8th day of January next following their election, the newly elected and continuing members of the board of supervisors shall meet at the legislative chamber in the City Hall, and thereafter regular meetings shall be held as fixed by resolution. The supervisors constituting the new board shall, on January 8, 1932, and every second year thereafter, elect one of their number as president of the board for a two-year term. The president shall preside at all meetings, shall appoint all standing and special committees of the board and shall have such other powers and duties as the supervisors may provide.

The meetings of the board shall be held in the City Hall, provided that, in case of emergency, the board, by resolution, may designate some other appropriate place as its temporary meeting place. The board shall cause a calendar of the business scheduled for each meeting to be published and shall keep and publish a journal of its proceedings. Notice of any special meeting shall be published at least twenty-four hours in advance of such special meeting.

State of California }
City and County of San Francisco } ss

This is to certify that we, Joseph E. Tinney, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors of said city and county, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said city and county at a general election held on Tuesday, the third day of November, One Thousand Nine Hundred and Sixty-four; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this twenty-seventh day of November, One Thousand Nine Hundred and Sixty-four.

JOSEPH E. TINNEY
(SEAL) President of the Board of Supervisors
of the City and County of San Francisco
ROBERT J. DOLAN
Clerk of the Board of Supervisors
of the City and County of San Francisco

Approved as to form:
THOMAS M. O'CONNOR
City Attorney

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

CHAPTER 4

Assembly Concurrent Resolution No. 3—Approving a certain amendment to the Charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on June 2, 1964.

[Filed with Secretary of State January 12, 1965.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of one amendment to the Charter of the City of Pasadena, as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, as follows to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PASADENA OF ONE CHARTER AMENDMENT

State of California
County of Los Angeles } ss.
City of Pasadena

We, the undersigned, Floyd O. Gwinn, Chairman of the Board of Directors of the City of Pasadena, State of California, and Harriett Jenkins, City Clerk of said city, do hereby certify and declare as follows:

That the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 inhabitants, and now has a population of over 50,000 inhabitants, and ever since the year 1901 has been and now is organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the 20th day of November, 1900, and approved by the Legislature of the State of California, on the 29th day of January, 1901 (Statutes of 1901, page 884), and amendments thereto

duly ratified by the qualified voters of said city and approved by the legislature.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Directors of the City of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 4655 adopted by said board on the 7th day of April, 1964, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena one proposal for the amendment of the Charter of said city, designated as Proposition "M", to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 2nd day of June, 1964. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No 4656, adopted on the 14th day of April, 1964, which said ordinance called said special election, for the submission of said amendment, to be held in said city on the 2nd day of June, 1964, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the state primary nominating election to be held on said date That said election was duly and regularly called and held on said 2nd day of June, 1964, which day was not less than forty, and not more than sixty days after the completion of publication and advertising of the proposed amendment aforesaid in the official newspaper.

That said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Pasadena in the Star-News, a daily newspaper of general circulation, published in said City of Pasadena, and the official newspaper of said city, and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the day fixed for the said election, and as required by Section 8 of Article XI of the Constitution and by the Charter of the City of Pasadena, a notice was advertised and published in the Star-News, the same being a newspaper of general circulation in said city, that copies thereof might be had upon application therefor at the office of the City Clerk of the City of Pasadena.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the day fixed for said election That a copy thereof was mailed to each of the qualified electors of said city as required by law.

That in accordance with the provisions of Section 8 of Article XI of the Constitution and of the Charter of said City of Pasadena and said ordinances of the legislative body thereof, said special election was held in the said City of Pasadena on the 2nd day of June, 1964, and that pursuant to the provisions of Section 8 of Article XI of the Constitution and of said Charter and said ordinances the said proposed Charter amend-

ment was submitted to the qualified electors of said city for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the said proposed amendment to the Charter of said city hereinafter set forth.

That, in accordance with law, the Registrar of Voters of the County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and on the 3rd day of July, 1964, did certify to the Board of Directors of the City of Pasadena the result of such canvass; that said Board of Directors on the 7th day of July, 1964, did duly find, determine and declare the result of said special election as determined from the canvass of the returns thereof aforesaid to be that a majority of the qualified electors of said city voting on said proposed amendment had voted for, ratified and adopted said amendment.

That the said amendment to the Charter so ratified by the electors of the City of Pasadena is in words and figures as follows:

PROPOSITION "M"

That the Charter of the City of Pasadena be amended by repealing Section 15 of Article 6; by deleting the third and all succeeding sentences from Section 1 of Article 8; and by adding a new article to read:

"Article 8½ Retirement Tax Levy

Section 1. In addition to the taxes authorized by paragraph 7 of Section 2 of Article 1, the legislative body hereby is authorized, without the necessity of the approval of two-thirds of the qualified voters of the City therefor, to levy and collect each year a special tax sufficient to meet the City's obligations for that year for the purposes of the Fire and Police Retirement System and the State Employees' Retirement System. Said levy shall be based upon each One Hundred Dollars ($100.00) worth of taxable property in said city, as shown by the assessment roll for that year. The tax rates applicable to each retirement system shall be shown upon all tax bills separately from other taxes and assessments authorized by law. Except as herein provided, all the provisions of Article 12 of this Charter shall apply to said levy and collection and any other provision of this Charter inconsistent herewith hereby is superseded."

That we have compared the foregoing amendment with the original proposal proposed by Ordinance No. 4655 to be submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy thereof.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 8th day of December, 1964.

(SEAL)

FLOYD O. GWINN
Chairman of the Board of Directors
of the City of Pasadena
HARRIETT C. JENKINS
City Clerk

Approved 11/30/64
ELDER GUNTER
City Manager

and

WHEREAS, Said proposed amendment to the Charter of the City of Pasadena, ratified by the electors of said city, as aforesaid, has been, and is now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Pasadena, as proposed to, adopted and ratified by the qualified electors of said City of Pasadena, as hereinabove fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the Charter of the City of Pasadena.

CHAPTER 5

Assembly Concurrent Resolution No. 12—Approving a charter amendment to the Charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, ratified by the qualified electors of the city at a special election held therein on the 2nd day of June, 1964.

[Filed with Secretary of State January 13, 1965.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set

forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF INGLEWOOD OF A CERTAIN CHARTER AMENDMENT

State of California
County of Los Angeles } ss.
City of Inglewood

We, the undersigned, William Goedike, Mayor of the City of Inglewood, County of Los Angeles, State of California, and Helen Rieck, City Clerk of said City, do hereby declare and certify as follows:

That the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned during the year 1964, was a city having a population of more than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States of America, and has been ever since the year 1927, and now is, organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special municipal election held for that purpose on the 14th day of December, 1926, and approved by the Legislature of the State of California on the 27th day of January, 1927 (Statutes and Amendments of 1927, p. 2205).

That the City Council of the City of Inglewood, being the legislative body of said city, on its own motion, by its resolution No. 5199 adopted March 17, 1964, duly and regularly proposed and submitted to the qualified electors of the City of Inglewood a certain proposition for a certain amendment to the Charter of the City of Inglewood at a Special Election consolidated with the Consolidated Primary Election called and held for that purpose in said City on the 2nd day of June, 1964.

That pursuant to the aforesaid resolution of the City Council of the City of Inglewood, the proposed charter amendment was published and advertised.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the City Council of the City of Inglewood consolidated said special election with the Consolidated Primary Election held in said City of Inglewood on the 2nd day of June, 1964.

That in accordance with the provisions of the Charter of the City of Inglewood and in the manner provided by law the said consolidated election was duly and regularly held in said City, after due notice given and published.

That thereafter the Council of the City of Inglewood did, in the manner provided by law, duly and regularly canvass

the returns of said consolidated election and did adopt its resolution declaring the results of the canvass and declaring the results of the returns of said election.

That said Council of said City did by said resolution find, determine and declare that a certain proposed amendment to the Charter of the City of Inglewood and hereinafter set forth was ratified by a majority vote of the electors of said City voting thereon.

That as to the proceedings taken relating to the amendment to the Charter of the City of Inglewood hereinafter set forth, the provisions of Section 8 of Article XI of the Constitution of the State of California and the laws of the State of California applicable thereto, have been substantially complied with.

That said amendment to the Charter of the City of Inglewood, so ratified by the electors of said City, is as follows:

"Section 4 of Article V of the Charter of the City of Inglewood is hereby amended to read as follows:

'Section 4 The compensation of the Mayor shall be the sum of two hundred dollars ($200) per month, payable monthly. The compensation of each councilman shall be the sum of one hundred fifty dollars ($150) per month, payable monthly.' "

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Inglewood with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Inglewood to be affixed this 5th day of January, 1965.

(SEAL)

WILLIAM GOEDIKE
Mayor of the City of Inglewood, California
HELEN RIECK
City Clerk of the City of Inglewood, California

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Inglewood, as presented to and adopted and ratified by the electors of

said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Inglewood.

CHAPTER 6

Assembly Concurrent Resolution No. 4—Approving the Charter of the City of Downey, County of Los Angeles, State of California, ratified by the qualified electors of the city at a special election held therein on the third day of November, 1964.

[Filed with Secretary of State January 14, 1965.]

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

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF DOWNEY OF CITY CHARTER

State of California
County of Los Angeles } ss.
City of Downey

We, the undersigned, Thomas H. Morton, Mayor of the City of Downey, State of California, and Della Doyle, City Clerk of said City, do hereby certify and declare as follows:

That said City of Downey, in the County of Los Angeles, State of California, is now, and was at all times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That the legislative body of said city, namely, the City Council thereof, did, in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, cause to be framed a proposed charter for its own government and duly and regularly submitted to the qualified electors of the City of Downey a proposition for the adoption of the proposed charter of the City of Downey at a special municipal election consolidated with the State General Election called and held for that purpose in said city on the 3rd day of November, 1964;

That such proposed charter was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 17th day of September, 1964, in the "Southeast News and Downey

Champion," a daily newspaper of general circulation printed and published in the City of Downey, the official newspaper of said City of Downey;

That copies of said proposed charter were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Downey within the time and manner required by law;

And until the date fixed for the election, November 3, 1964, as hereinafter set forth, there was published in said "Southeast News and Downey Champion" an advertisement stating that copies of said proposed charter could be had, upon application therefor, at the office of the City Clerk of said City of Downey;

That copies of said pamphlet containing said proposed charter could be had upon application therefor at the office of the City Clerk of said City at all times, to and including November 3, 1964, the date, the date fixed for said election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the City Council of the City of Downey consolidated said special municipal election with the State General Election held in said City of Downey on November 3, 1964.

That in accordance with the provisions, and in the manner provided by law, the said consolidated elections were duly and regularly held in said city, after due notice given and published on November 3, 1964, which day was not less than forty (40), nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed charter in the "Southeast News and Downey Champion," the official newspaper of said City of Downey.

That in accordance with law, the Registrar of Voters of the County of Los Angeles, State of California, did duly and regularly canvass the returns of said election and on the 24th day of November, 1964, did certify to the City Council of the City of Downey the result of such canvass; that said City Council on the 14th day of December, 1964, did duly find, determine and declare the result of said special election as determined from the canvass of the returns thereof aforesaid to be that a majority of the qualified electors of said city voting on said proposed charter had voted for, ratified and adopted said charter.

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

THE CHARTER OF THE CITY OF DOWNEY

Table of Contents

Article I. Name of City
Section 100. Name
Article II. Boundaries
Section 200. Boundaries
Article III. Succession
Section 300. Rights and Liabilities
Section 301. Ordinances Continued in Effect
Section 302. Rights of Officers and Employees Preserved
Section 303. Continuance of Present Officers and Employees
Section 304. Continuance of Contracts and Public Improvements.
Section 305. Pending Actions and Proceedings
Section 306. Effective Date of Charter
Article IV Powers of City
Section 400. Powers of City
Section 401. Procedures
Article V. City Council
Section 500. City Council. Terms
Section 501. Eligibility
Section 502. Compensation
Section 503. Vacancies
Section 504. Presiding Officer
Section 505. Powers Vested in City Council
Section 506. Regular Meetings
Section 507. Special Meetings
Section 508. Place of Meetings
Section 509. Quorum
Section 510. Citizen Participation
Section 511. Adoption of Ordinances and Resolutions
Section 512. Ordinances. Proceedings Publication
Section 513. Codification of Ordinances
Section 514. Ordinances. When Effective
Section 515. Ordinances. Violation. Penalty
Section 516. Ordinances. Amendment
Section 517. Publishing of Legal Notices
Section 518. Contracts. Restrictions
Section 519. Contracts. Execution
Article VI. City Manager
Section 600. City Manager
Section 601. Residence
Section 602 Eligibility
Section 603. Compensation and Bond
Section 604. Powers and Duties
Section 605. Meetings
Section 606. Manager Pro Tempore
Section 607. Removal

Section 608. Non-Interference with Administrative Service
Article VII. Officers and Employees
Section 700. Enumeration
Section 701. Appointment and Removal
Section 702 Administrative Departments
Section 703. City Attorney. Powers and Duties
Section 704. City Clerk. Powers and Duties
Section 705. City Treasurer. Powers and Duties
Section 706. Director of Finance. Powers and Duties
Section 707. Administering Oaths
Section 708. Illegal Contract, Financial Interest
Section 709. Acceptance of Other Office
Section 710. Nepotism
Section 711. Official Bonds
Article VIII. Board of Education
Section 800. State Law Governs
Section 801. Effect of Charter on District Board
Article IX. Appointive Boards and Commissions
Section 900. In General
Section 901. Appropriations
Section 902. Appointments. Terms
Section 903. Existing Boards
Section 904. Meetings. Chairman
Section 905. Oaths. Affirmations
Section 906. Planning Commission. Powers and Duties
Section 907. Personnel Advisory Board. Powers and Duties
Section 908. Library Advisory Board. Powers and Duties
Article X. Merit System
Section 1000. System to be Established
Article XI. Retirement
Section 1100. State System
Article XII. Fiscal Administration
Section 1200. Fiscal Year
Section 1201. Annual Budget. Preparation by City Manager
Section 1202. Budget. Submission to City Council
Section 1203. Budget Public Hearing
Section 1204 Budget. Further Consideration and Adoption
Section 1205. Budget. Appropriations
Section 1206. Centralized Purchasing
Section 1207. Tax Limits
Section 1208. Tax Procedure
Section 1209. Bonded Debt Limit
Section 1210. Revenue Bonds
Section 1211. Contracts on Public Works
Section 1212. Cash Basis Fund
Section 1213. Capital Outlays Fund
Section 1214 Treasurer's Departmental Trust Fund
Section 1215. Other Funds
Section 1216. Claims and Demands. Presentation and Payment

Section 1217. Actions Against City
Section 1218. Registering Warrants
Section 1219. Independent Audit
Article XIII. Elections
Section 1300. General Municipal Elections
Section 1301. Special Municipal Elections
Section 1302. Procedure for Holding Elections
Section 1303. Initiative, Referendum and Recall
Article XIV. Franchises
Section 1400. Granting of Franchises
Section 1401. Resolution of Intention. Notice and Public Hearing
Section 1402. Terms of Franchise
Section 1403. Grant to be in Lieu of all Other Franchises
Section 1404. Eminent Domain
Section 1405. Duties of Grantees
Section 1406. Exercising Rights Without Franchise
Article XV. Miscellaneous
Section 1500. Definitions
Section 1501. Violations
Section 1502. Validity
Section 1503. Amendments

CHARTER OF THE CITY OF DOWNEY

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

Article I Name of City

Section 100. Name. The municipal corporation now existing and known as the City of Downey shall remain and continue to exist as a municipal corporation under its present name of "City of Downey."

Article II Boundaries

Section 200. Boundaries. The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, and as such boundaries may be changed thereafter from time to time in the manner authorized by law.

Article III Succession

Section 300. Rights and Liabilities. The City of Downey shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall continue to be subject to all its debts, obligations, liabilities and contracts.

Section 301. Ordinances Continued in Effect. All lawful ordinances, resolutions, rules and regulations, and portions

thereof, in force at the time this Charter takes effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Section 302. Rights of Officers and Employees Preserved. Nothing in this Charter contained, unless otherwise specifically provided herein, shall affect or impair the merit system, pension or retirement rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect.

Section 303. Continuance of Present Officers and Employees. The present officers and employees of the City shall continue without interruption to perform the duties of their respective offices and employments upon the same terms and conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, but subject to such removal, amendment and control as is provided or permitted in this Charter, and, as to offices which are changed, abolished or superseded by this Charter, until the election or appointment and qualification of their respective successors under this Charter.

Section 304. Continuance of Contracts and Public Improvements. All contracts entered into by the City or for its benefit prior to the effective date of this Charter and then in effect, shall continue in full force and effect according to their terms. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws or may be continued or perfected under this Charter.

Section 305. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 306. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature after it shall have been ratified by the qualified voters of the City in the manner set forth in the Constitution of the State.

Article IV Powers of City

Section 400. Powers of City. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter or in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

Section 401. Procedures. The City shall have the power to and may act pursuant to any procedure established by any law of the State, unless a different procedure is required by this Charter.

Article V City Council

Section 500. City Council. Terms. The elective officers of the City shall consist of a City Council of five members one of whom shall be elected from and by the electors of each of the five districts referred to in Article XIII of this Charter and at the times and in the manner provided in this Charter. Each member of the City Council shall serve for a term of four years and until his successor qualifies.

The five members of the City Council in office at the time this Charter takes effect shall continue in office representing their respective districts until the expiration of their respective terms and until their successors are elected and qualified. The three members of the City Council elected from districts numbers one, three and five shall be elected at the general municipal election held in April, 1968 and each fourth year thereafter. The two members of the City Council elected from districts number two and four shall be elected at the general municipal election held in April, 1966 and each fourth year thereafter.

The term of each member of the City Council shall commence on the first Tuesday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Section 501. Eligibility. No person shall be eligible to hold office as a member of the City Council unless he is and shall have been a resident and qualified elector of the City for at least two years next preceding the date of his election or appointment and a resident of the district from which he is elected or appointed for at least ninety days preceding his election or appointment.

Section 502. Compensation. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty. In addition, members shall receive such reasonable and adequate amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of other out-of-pocket expenditures and costs imposed upon them by virtue of their serving as City Councilmen

Section 503. Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council of a qualified person from the district in which the vacancy has occurred, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies At the next general municipal election following any vacancy, a Councilman shall be elected from the district in which the vacancy exists to serve for the remainder of the unexpired term, if any.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of his district, his office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within sixty days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy from the proper district

Section 504. Presiding Officer. On the first Tuesday following any general or special municipal election at which any Councilman is elected, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor may make and second motions and shall have a voice and vote in all its proceedings He shall be the official head of the City for all ceremonial purposes. He shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and, as occasion requires, he may inform the people of any major change in policy or program. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Section 505. Powers Vested in City Council. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

Section 506. Regular Meetings. The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or readjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Section 507. Special Meetings. A special meeting may be called at any time by the Mayor, or by three members of the City Council, by written notice to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-hour hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any person entitled thereto who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

Section 508. Place of Meetings. All meetings shall be held in the Council Chambers of the City Hall, or in such place to which any such meeting may be adjourned, and shall be open to the public. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor, or, if he should fail to act, by three members of the City Council

Section 509. Quorum. Proceedings. A majority of the members of the City Council shall constitute a quorum to do business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally or by mail to each councilman at least twenty-four hours before the adjourned meeting, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election

returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings.

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

At the demand of any member, and upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such questions to be entered in the minutes of the meeting.

Section 510. Citizen Participation. All regular and special meetings of the City Council shall be open and public and all persons shall be permitted to attend such meetings, except that the provisions of this Section shall not apply to executive sessions to consider the appointment, employment, discipline or dismissal of a public officer or employee or to hear complaints or charges brought against any such officer or employee. No resident or property owner shall be denied the right to be heard by the City Council, but such right shall be subject to such reasonable rules and regulations as may be authorized or adopted by ordinance.

Section 511. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

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

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least three members of the

City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money. All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Any ordinance declared by the City Council to be necessary as an emergency measure for the immediate preservation of the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least four affirmative votes. Any such emergency ordinance shall be read in full prior to its adoption.

Section 512. *Ordinances. Enactment. Publication.* In addition to such other acts of the City Council as are required by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

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

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

Section 513. Codification of Ordinances. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted by ordinance.

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

Section 514. Ordinances When Effective. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

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

(b) An improvement proceeding ordinance adopted under some special law or procedural ordinance relating thereto.

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property.

(d) An emergency ordinance adopted in the manner provided for in this Article.

Section 515. Ordinances. Violation. Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action. The maximum fine or penalty for any violation of a City ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment. The City Council may provide by ordinance that persons imprisoned in the City Jail for violation of law or ordinance may be compelled to labor on public works.

Section 516. Ordinances. Amendment. The amendment of any section or subsection of an ordinance may be accomplished solely by the re-enactment of such section or subsection at length, as amended.

Section 517 Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation published in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation in the City during the ensuing fiscal year. In the event there is only one newspaper of general circulation printed and published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

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

In the event there is no newspaper of general circulation printed and published in the City, or in the event no such newspaper will accept such notices or other matter at the rates permitted herein, then all legal notices or other matter may be published by posting copies therof in at least three public places in the City to be designated by ordinance.

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

Section 518 Contracts. Restrictions. No contract or lease or extension thereof for a longer period than ten years shall be valid unless said contract, lease or extension be made or approved by ordinance which shall be subject to referendum. This Section shall not apply to any franchise granted pursuant

to the provisions of this Charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility.

Section 519. Contracts. Execution. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

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

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

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

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

Article VI City Manager

Section 600. City Manager. There shall be a City Manager who shall be the chief administrative officer of the City. He shall be appointed by the affirmative vote of at least a majority of the members of the City Council and shall serve at the pleasure of the City Council, provided, however, that he shall not be removed from office except as provided in this Charter. He shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual experience in, and his knowledge of, accepted practice in respect to the duties of his office as herein set forth.

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

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

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

Section 604. Powers and Duties. The City Manager shall be the administrative head of the City Government. Except as otherwise provided in this Charter, he shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, subject to the provisions of this Charter. including the personnel system provisions thereof, the City Manager shall have power and be required to:

(a) Appoint, and he may promote, demote, suspend or remove, all department heads, officers and employeees of the City except elective officers and those department heads, officers and employees the power of whose appointment is vested by this Charter in the City Council. He may authorize the head of any department or office to appoint or remove subordinates in such department or office. In case of the appointment or removal of any department head, the City Manager shall first review such appointment or removal with the City Council and obtain its approval.

(b) Prepare the budget annually, submit to the City Council, and be responsible for its administration after its adoption.

(c) Prepare and submit to the City Council as of the end of each fiscal year, a complete report on the finances and administrative activities to the City for the preceding fiscal year.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may to him seem desirable.

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Prepare rules and regulations governing the contracting for. purchasing, inspection, storing, inventory, distribution and disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Council for adoption by ordinance, and administer and enforce the same after adoption.

(g) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City are enforced.

(h) Exercise control of all administrative offices and departments of the City and of all appointive officers and employees except those directly appointed by the City Council and prescribe such general rules and regulations as he may deem necessary or proper for the general conduct of the administrative offices and departments of the City under his jurisdiction.

(i) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Section 605. Meetings. The City Manager shall be accorded a seat at all meetings of the City Council and of all boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote. He shall receive notice of all special meetings of the City Council, and of all boards and commissions.

Section 606. Manager Pro Tempore. The City Council may direct the City Manager to appoint a City Manager Pro Tempore.

If there is no Manager Pro Tempore and the position of City Manager becomes vacant or the City Manager is absent or is incapacitated to such an extent he cannot perform his duties, then the Mayor, or if he is absent or unable to act, the Mayor Pro Tempore, or if he is absent or unable to act, the senior member of the City Council, temporarily shall act as the administrative head of the City until the City Council fills the position of City Manager or appoints a City Manager Pro Tempore.

Section 607 Removal. The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative votes of a majority of the members of the City Council. At least thirty days prior to the effective date of his removal, the City Manager shall be furnished with a written notice stating the Council's intention to remove him and the reasons therefor. Within seven days after receipt of such notice, the City Manager may by written notification to the City Clerk request a public hearing before the City Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place before the expiration of the thirty-day period above referred to. The City Manager shall appear and be heard at such hearing. After furnishing the City Manager with written notice of his intended removal, the City Council may suspend him from duty, but his compensation shall continue until his removal as herein provided. In removing the City Manager, the City Council shall use its uncontrolled discretion, and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the City Council and the City Manager to present to each other and to the public all pertinent facts prior to the final action of removal.

Section 608. Non-Interference With Administrative Service. Except as otherwise provided in this Charter, neither the Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in the administrative serv-

ice of the City, of any person to any office or employment, or his removal therefrom. Except for the purpose of inquiry, investigation or report, the City Council and its members shall deal with the administrative service under the jurisdiction of the City Manager solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

Article VII Officers and Employees

Section 700. Enumeration. In addition to the City Council and City Manager, the officers and employees of the City shall consist of a City Attorney, a City Clerk, a City Treasurer, a Director of Finance, a Director of Public Works, a Chief of Police, a Fire Chief, a Director of City Planning, a Director of Building and Safety, and a City Librarian, and such other officers, assistants, deputies and employees as the City Council may provide by ordinance or resolution.

When the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices, including the offices of City Clerk and City Treasurer, provided, however, that the same person shall not hold the positions of City Treasurer and Director of Finance.

Section 701. Appointment and Removal. The City Attorney, City Clerk, City Treasurer and the secretaries, if any, to the Mayor or City Council shall be appointed by and may be removed by the affirmative votes of at least a majority of the members of the City Council All other officers, department heads and employees of the City shall be appointed and may be removed as elsewhere in this Charter provided.

Section 702. Administrative Departments. The City shall provide through its own staff for the following departments: Finance, Public Works, Water, Police, Fire, Building & Safety, City Planning and Library The City Council may provide by ordinance or resolution not inconsistent with this Charter for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation or alteration. It may further provide by ordinance or resolution for the assignment and reassignment of functions, duties, offices and agencies to offices and departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees, consistent with this Charter. Each department so created shall be headed by a department head.

Section 703. City Attorney, Powers and Duties. To become and remain eligible for City Attorney the person appointed shall be an attorney at law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least five years prior to his appointment. He shall be chosen on the basis of his legal qualifications with special reference to his experience in and

knowledge of municipal law. The City Attorney shall have the power and may be required to:

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

(b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances, unless otherwise provided by the City Council.

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

(d) Attend all regular meetings of the City Council, unless excused, and give his advice or opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

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

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

(g) Devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation for such office.

(h) Surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of or may contract for any prosecutions, litigation or other legal matters or business.

Section 704. City Clerk. Powers and Duties. The City Clerk shall have the power and shall be required to:

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

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

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

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

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

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

(g) Have charge of all City elections.

(h) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

Section 705. City Treasurer. Powers and Duties. The City Treasurer shall have the power and shall be required to:

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

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

(c) Disburse moneys on proper warrants in the manner provided for in this Charter.

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

(e) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

Section 706. Director of Finance. Powers and Duties. The Director of Finance shall have the power and shall be required to:

(a) Administer the financial affairs of the City under the direction of the City Manager, and be head of the Finance Department of the City.

(b) Compile the budget expense and income estimates for the City Manager.

(c) Maintain a general accounting system for the City government and each of its offices, departments and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government; with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims,

demands or charges; and draw warrants upon the City Treasurer for all claims and demands audited and approved as in this Charter provided specifying the purpose for which drawn and the fund from which payment is to be made.

(e) See that all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and all other money receivable by the City from the County, State or Federal Government, or from any court, office, department or agency of the City are collected.

(f) Submit to the City Council and City Treasurer through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.

(g) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

(h) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

Section 707. Administering Oaths. Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Section 708. Illegal Contract, Financial Interest. No member of the City Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and neither shall any officer or employee, or member of any board or commission, be interested in any contract, sale or transaction to which the City is a party and which comes before said officer or employee, or member of any board or commission, or the department or office of the City with which he is connected, for official action.

Any such contract or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, City official or employee, or member of any board or commission, shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation by reason of the ownership of stock in such corporation unless said stock owned by him shall amount to at least three per cent of all the stock of such corporation issued and outstanding. No City Councilman or member of any board or commission shall vote on or participate in any contract or transaction in which he is directly or indirectly financially interested whether as a stockholder of the corporation or otherwise. If any officer or employee, or member of any board or commission, during the term for which he was elected or appointed, shall so vote or participate, or shall be financially interested as aforesaid, upon conviction thereof, he shall forfeit his office.

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

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

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

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, his superior officer or other officer or employee, or the bond of the latter, unless such superior officer, or other officer or employee is a party to, or has conspired in, the wrongful act causing directly or indirectly such loss

Article VIII Board of Education

Section 800. State Law Governs. The manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, their qualifications, compensation and removal and the number which shall constitute any one of such boards shall be as prescribed by the Education Code of the State of California, as of August 1, 1964.

Section 801. Effect of Charter on District. The adoption of this Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence or boundaries of any present school district within the City or of which the City comprises a part, but each such present school district shall continue in existence subject to the provisions of the laws of the State of California as the same now exist or hereafter may exist

Section 802. Effect of Charter on Board The members of the Board of Education in office on the effective date of this Charter shall continue as such and their terms shall not be affected hereby.

Article IX Appointive Boards and Commissions

Section 900. In General. There shall be the following named advisory boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance a Park and Recreation Board, a Municipal Water Board, a Hospital Commission, and such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 901. Appropriations. The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Section 902. Appointments. Terms. Each of the boards or commissions hereinafter named in this Article shall consist of five members, one of whom shall be appointed from each of the five Councilmanic Districts. The members of each of such boards or commissions shall be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. They shall be subject to removal by motion of the City Council adopted by the affirmative votes of a majority of the total membership thereof. The members thereof shall serve for terms of four years and until their respective successors are appointed and qualified. The terms shall be staggered so that the number of terms on any such board or commission expiring in any year shall not differ by more than one from the number of terms expiring in any other year. Such terms shall expire on June thirtieth of the appropriate year. A vacancy occurring before the expiration of a term shall be filled by appointment for the remainder of the unexpired term.

Section 903. Existing Boards. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. If the terms of any members of any board or commission are altered by this Charter, the terms shall be adjusted accordingly to comply with the provisions of this Charter.

Section 904. Meetings. Chairman. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of the board or commission. All meetings of said boards and commissions shall be open to the public and all persons shall be permitted to attend such meetings, except that the provisions of this sentence shall not apply to executive sessions to consider the appointment, employment, discipline or dismissal of a public officer or employee or to hear complaints or charges against any such officer or employee.

The City Manager shall designate a secretary for each of such boards and commissions who need not be a member of such board or commission, and who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations, which shall be consistent with this Charter and shall be subject to the approval of the City Council. Copies of such rules shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

Section 905. Oaths. Affirmations. Each member of any such board or commission, and the secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Section 906. Planning Commission. Powers and Duties. There shall be a Planning Commission which shall have the power and be required to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of Master, General or Precise Plans, or any part thereof, for the physical development of the City.

(b) Exercise such functions with respect to land subdivisions as shall be provided by ordinance not inconsistent with the provisions of this Charter.

(c) Make recommendations to the City Council concerning proposed public works and for the clearance, conservation and rehabilitation of any areas within the City.

(d) Exercise such functions with respect to zoning, city planning, land use and related matters as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Section 907. Personnel Advisory Board. Powers and Duties. There shall be a Personnel Advisory Board, none of the members of which while a member of said board or for a period of one year after he has ceased for any reason to be a member, shall occupy or be eligible for appointment to any salaried office or employment in the service of the City. The Personnel Advisory Board shall have the power and be required to:

(a) Act in an advisory capacity to the City Council and City Manager on personnel administration.

(b) After a public hearing thereon, recommend to the City Council, the adoption, amendment or repeal of personnel rules and regulations.

(c) Make any investigation upon request of the City Council concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager.

(d) Hear appeals of any officer or employee under the Personnel System who is suspended, demoted or removed, and report in writing to the appointing power and City Council, its findings, conclusions and recommendations.

(e) Exercise such functions with respect to personnel or the Personnel System, not inconsistent herewith, as may be prescribed by ordinance or requested by the City Council.

Section 908. Library Advisory Board. Powers and Duties. There shall be a Library Advisory Board which shall have the power and duty to:

(a) Make recommendations to the City Council for the operation and conduct of City libraries.

(b) Recommend to the City Council rules and regulations and by-laws for the administration and protection of City libraries.

(c) Recommend to the City Council the duties of the librarian and other officers and employees of the libraries.

(d) Recommend to the City Council the purchase or lease of personal property for library purposes.

(e) Recommend to the City Council purchase or lease of real property and the rental or provision for adequate buildings or rooms for library purposes.

(f) Within sixty days after the close of each fiscal year, report to the City Council on the condition of the libraries for the preceding fiscal year and on such other matters deemed expedient by the Library Advisory Board.

(g) Exercise such other functions not inconsistent with this Charter as may be prescribed by ordinance.

Article X Personnel System

Section 1000. System to be Established. The City Council shall by ordinance establish a personnel merit system for the selection, employment, classification, advancement, suspension and discharge of those appointive officers and employees who shall be included in the system. The system may consist of the establishment of minimum standards of employment and qualifications for the various classes of employment, or of a comprehensive system, as the City Council shall determine to be for the best interests of the public service. The ordinance shall designate the departments and the appointive officers and employees who shall be included within the system. By subsequent ordinances the City Council may amend the system or the list of departments and appointive officers and employees included within the system. The system shall comply with all other provisions of this Charter.

Article XI Retirement

Section 1100. State System. Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the State Em-

ployees' Retirement System. The City Council may terminate any contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented.

Article XII Fiscal Administration

Section 1200. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Section 1201. Annual Budget. Preparation by the City Manager. At such date as the City Manager shall determine, each board or commission and each department head shall furnish to the City Manager, personally, or through the Director of Finance, estimates of revenue and expenditures for his department or for such board or commission for the ensuing fiscal year, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as he may deem advisable.

Section 1202. Budget. Submission to City Council. At least thirty-five days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1203. Budget. Public Hearing. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 1204. Budget. Further Consideration and Adoption. At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least a majority of the total members of the Council. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. Copies thereof, certified by the City Clerk, shall be filed with the City Manager, Director of Finance, City Treasurer, and the person retained by the City Council to perform the post audit function, and a further

copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Section 1205. Budget. Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least a majority of the total members of the City Council.

Section 1206. Centralized Purchasing. Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City departments and agencies, except as otherwise in this Charter provided. The City Manager shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, storing and distribution of all supplies, materials and equipment required by any office, department or agency of the City government

Section 1207. Tax Limits.

(a) The City Council shall not levy a property tax for municipal purposes, in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this Section, unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the same time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes not subject to the above limitation, if no other provision for payment thereof is made,:

1. A tax sufficient to meet all liabilities of the City of principal and interest of all bonds and judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City under the State Employees' Retirement System, the Federal Insurance Contributions Act, or other plan, for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

(c) Special levies, in addition to the above and not subject to the above limitation, may be made annually, based on City

Council approved estimates, for the following specific purposes, but not to exceed the following respective limits for those purposes for which limits are herein set forth, to-wit: parks and recreation not to exceed $0.30 per One Hundred Dollars; libraries not to exceed $0.30 per One Hundred Dollars; advertising, music and promotion not to exceed $0.05 per One Hundred Dollars; and civil defense and disaster preparedness not to exceed $0 05 per One Hundred Dollars. The proceeds of any such special levy shall be used for no other purpose than that specified.

Section 1208. Tax Procedure. The procedure for the assessment, levy and collection of taxes upon property taxable for municipal purposes, may be prescribed by ordinance of the City Council.

If the City Council fails to fix the rate and levy taxes on or before August 31 in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Section 1209. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen per-cent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Section 1210. Revenue Bonds. Bonds which are payable only out of such revenues as may be specified in such bonds may be issued when the City Council by ordinance shall have established a procedure for the issuance of such bonds. Such bonds, payable only out of revenues, shall not constitute an indebtedness or general obligation of the City. No such bonds payable out of revenues shall be issued without the assent of a majority of the voters voting upon the proposition for issuing the same at an election at which such proposition shall have been duly submitted to the qualified electors of the City.

It shall be competent for the City to make contracts and covenants for the benefit of the holders of any such bonds payable only from revenues and which shall not constitute a general obligation of the City for the establishment of a fund or funds, for the maintaining of adequate rates or charges, for restrictions upon further indebtedness payable out of the same fund or revenues, for restrictions upon transfer out of such fund, and other appropriate covenants. Money placed in any such special fund for the payment of principal and/or interest on any issue of such bonds or to assure the application thereof to a specific purpose shall not be expended for any other purpose whatever except for the purpose for which such special

fund was established and shall be deemed segregated from all other funds of the City and reserved exclusively for the purpose for which such special fund was established until the purpose of its establishment shall have been fully accomplished.

Section 1211. Contracts on Public Works. Except as hereinafter expressly provided, every contract involving an expenditure of more than Two Thousand Five Hundred Dollars ($2,500.00) for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Two Thousand Five Hundred Dollars ($2,500.00), shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time for opening bids.

The City Council may reject any and all bids presented and may readvertise in its discretion. After rejecting bids, or if no bids are received, or without advertising for bids if the total amount of the contract or project is $5,000 or less, then the City Council may declare and determine that in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by the affirmative votes of a majority of the total members of the City Council, it may proceed to have said work done or such materials or supplies purchased in the manner stated, without further observance of the provisions of this Section. Such contracts may be let and such purchases made without advertising for bids, if such work or the purchase of such materials or supplies shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by the affirmative votes of at least two-thirds of the total members of the City Council.

Projects for the extension, construction or improvement of any public utility system operated by the City or for the purchase of supplies or equipment for any such project or any such utility may be excepted from the requirements of this Section by the affirmative vote of a majority of the total members of the City Council.

Section 1212. Cash Basis Fund. The City Council may maintain a revolving fund, to be known as the "Cash Basis Fund", for the purpose of placing the payment of the running expenses of the City on a cash basis. A balance may be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of sufficient revenues. Transfers may be made by the

City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis All money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Section 1213. Capital Outlays Fund. A fund for capital outlays generally is hereby created, to be known as the "Capital Outlays Fund" and to be a continuation of any existing Capital Outlays Fund. The City Council may create by ordinance a special fund or funds for a special capital outlay purpose. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other capital outlay purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended and unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Section 1214. Treasurer's Departmental Trust Fund. The City Council may prescribe by ordinance for the setting up of a Treasurer's Departmental Trust Fund into which the collections of the police department, license collector, building department and other officers and departments authorized to make collections, may be deposited at frequent intervals during each month, with advice of each deposit being furnished to the City Treasurer and Director of Finance. The City Treasurer shall make withdrawals from such a fund only on order signed by the Director of Finance and for the following purposes:

(a) Making a refund of bail, which has been exonerated, or other refundable deposits.

(b) Revolving fund advances authorized by the City Council.

(c) Correction of clerical or ministerial errors in the receipt of payments to the City.

(d) Making settlements with City funds at the end of each calendar month for collections accumulated during the month.

Section 1215. Other Funds. The City Council may establish by ordinance such other funds, not inconsistent with the provisions of this Charter, as it may consider appropriate or desirable.

Section 1216. Claims and Demands. Presentation and Payment. Procedures prescribed by the State Legislature governing the presentation, consideration and enforcement of claims against chartered cities or against officers, agents and employees thereof shall apply to the presentation, consideration and enforcement of claims against the City.

In the absence of applicable procedures prescribed by the State Legislature, and to the extent that the same are not inconsistent therewith, the following provisions of this Section shall govern the presentation, processing and payment of all claims and demands against the City.

All claims for damages against the City must be presented to the City Clerk within one hundred days after the occurrence, event or transaction from which the damages allegedly arose, or within such shorter time as is otherwise provided by law, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages sustained. All such claims shall be approved or rejected in writing by order of the City Council and the date thereof given.

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance within one hundred days after the last item of the account or claim accrued. The Director of Finance shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the City Treasurer therefor, payable out of the proper fund. Otherwise he shall reject it. Objections of the Director of Finance may be overruled by the City Council and the warrant ordered drawn.

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

Section 1217. Actions Against City. No suit shall be brought for money or damages against the City or any board,

commission or officer thereof on any cause of action for which this Charter or the general law requires a claim to be presented, until a claim or demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within sixty days from the day the same is presented shall be deemed a rejection thereof.

Section 1218. Registering Warrants. Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

Section 1219. Independent Audit. The City Council shall employ at the beginning of each fiscal year, an independent certified public accountant who shall, at such time or times as may be specified by the City Council, at least annually, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle or disburse public funds and of all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Director of Finance, Treasurer, and City Attorney, respectively, and sufficient additional copies of the audit shall be placed on file in the office of the City Clerk where they shall be available for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper.

Article XIII Elections

Section 1300. General Municipal Elections. General municipal elections for the election of officers, except members of the Board of Education, and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each even numbered year. The first such general municipal election shall be held on the second Tuesday in April, 1966.

Section 1301. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Section 1302. Procedure for Holding Elections. All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of municipal elections so far as the same are not in conflict with this Charter.

Section 1303. Initiative, Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

Section 1304. Electors Signing Petitions. The electors signing any petition for the nomination of any person to the office of Councilman or for the recall of any person from such office shall be residents of the district from which such person is to be nominated or has been elected. Only the names of electors who are residents of such district shall be counted in determining the sufficiency of any such petition.

Section 1305. Districts Defined. The City is hereby divided into five districts, the names and respective boundaries of which shall be as follows:

Councilmanic District number one: All that territory lying southerly of the center line of the Southern Pacific Railroad, Santa Ana Branch, and easterly of the center line of Downey Avenue within the boundaries of the City.

Councilmanic District number two: All that territory lying southerly of the center line of the Southern Pacific Railroad, Santa Ana Branch, and westerly of the center line of Downey Avenue within the boundaries of the City.

Councilmanic District number three: All that territory lying northerly of the center line of the Southern Pacific Railroad, Santa Ana Branch, westerly of the center line of Downey Avenue, northerly of the center line of Gallatin Road and westerly of the center line of Stoakes Avenue to the northerly boundaries of the City.

Councilmanic District number four: All that territory lying northerly of the Southern Pacific Railroad, Santa Ana Branch, easterly of the center line of Downey Avenue, southerly of the center line of Gallatin Road, and easterly of the center line of Stoakes Avenue, to the northerly boundaries of the City.

Councilmanic District number five: All that territory lying within the entire geographical area of the City.

Section 1306. Amending District Boundaries. At least once each ten years, the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries be fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of the districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and

provide fair representation on the City Council. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to an adjacent district or districts.

Article XIV Franchises

Section 1400. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the City for the transmitting or conveying of any such service elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, and to prescribe the terms and conditions of any such grant. It may also provide by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

Section 1401. Resolution of Intention. Notice and Public Hearing. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty nor more than sixty days after the passage of said resolution.

At the time set for the hearing the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people, or it may deny the same. If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Section 1402. Terms of Franchise. Every franchise shall state the term for which it is granted, which, unless it be in-

determinate as provided for herein, shall not exceed twenty-five years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Section 1403. Grant to be in Lieu of All Other Franchises. Any franchise granted by the City with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

Section 1404. Eminent Domain. No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to con-

tract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Section 1405. Duties of Grantees. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment.

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise.

(c) Indemnify and hold harmless the City and its officers from any and all liabilities for damages proximately resulting from any operations under such franchise.

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or elevated transit facilities, or if the public health, comfort, welfare, convenience, or safety so demands.

(e) Pay to the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant.

Section 1406. Exercising Rights Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

Article XV Miscellaneous

Section 1500. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

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

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

(c) "County" is the County of Los Angeles.

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

Section 1501. Violations. The violation of any provision of this Charter shall be a misdemeanor and shall be punishable upon conviction by a fine of not exceeding Five Hundred

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

Section 1502. Validity. If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

Section 1503. Amendments. Any amendment of this Charter shall be made pursuant to and in accordance with the applicable provisions of the Constitution of the State of California.

In witness whereof, we have hereunto set our hands and hereto affixed the seal of said City of Downey this 14 day of December, 1964.

(SEAL)

THOMAS H. MORTON
Mayor of the City of Downey
DELLA DOYLE
City Clerk of the City of Downey

WHEREAS, The proposed charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the Charter of the City of Downey, as presented to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, as the Charter of the City of Downey.

CHAPTER 7

Assembly Concurrent Resolution No. 10—Approving certain amendments to the Charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a municipal election held therein November 3, 1964.

[Filed with Secretary of State January 19, 1965.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A MUNICIPAL ELECTION HELD THEREIN NOVEMBER 3, 1964, OF CERTAIN AMENDMENTS TO

THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

State of California
County of Los Angeles } ss.
City of Long Beach

We, Edwin W. Wade, Mayor of the City of Long Beach, and Margaret L. Heartwell, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a free-holders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach three amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 3rd day of November, 1964; and

That said three proposed amendments to be so submitted November 3, 1964 were designated as Propositions J, K, and L, and were duly published the 11th day of September, 1964, in the Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the

time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No. C-4467, order the holding of said municipal election in said City of Long Beach on November 3, 1964, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and that said ordinance was published at least three times in said Long Beach Independent ten days prior to the date of said election, to wit: October 21, 1964, October 22, 1964 and October 23, 1964; and

That said municipal election was held in said City of Long Beach on November 3, 1964, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution adopted on the 15th day of December, 1964, duly declare the results of said municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified all three of said proposed amendments; and

That said proposed amendments to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

Proposition J

That the Charter of the City of Long Beach be amended by amending subsection (9) of Section 217, subsections (3) and (4) of Section 228, Sections 229d and 260.7 thereof, by adding Sections 229i, 260.1, 260.2, 260.3, 260.4 and a new article designated Article XXVIII consisting of Sections 315, 316, 317 and 318, said sections to read, respectively, as hereinafter set forth, and by repealing Sections 229x, 260 6 and 298.5 thereof:

[Sec. 217] (9) To lease, sell or dispose of any property, or any interest therein, belonging to the Water Department whenever in the judgment of said Board said property, or any interest therein or part thereof, is no longer required for the purposes of said department; said property may be leased for any purpose which does not interfere with the use of the same for the purposes of said department. Any compensation received from the sale or lease of said property shall be paid into the Water Revenue Fund or such other fund of the Water Department as may be designated by the Board, and shall be used for the purposes of said department; provided, however, that except as otherwise provided in this article, nothing herein

shall authorize the Board of Water Commissioners to sell, lease or dispose of any water, water rights, reservoir space or storage capacity, or any interest or space therein. Provided, further, the Board shall not have authority to make any lease, contract or other agreement providing for the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas or other hydrocarbon substances from, under, across or through any land under the control and jurisdiction of said Board, and any such lease, contract or other agreement shall be made upon authorization of the City Council as provided in Section 317 of this charter.

[Sec. 228] (3) To take charge of, control, and supervise the Port of Long Beach, including all the waterfront properties, and lands adjacent thereto, or under water, structures thereon, and approaches thereto, storage facilities and other utilities, and all rights and interests belonging thereto, which are now or may hereafter be owned or possessed by the City of Long Beach, except such lands or parts thereof, for so long as the same may be used for or in connection with the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas and other hydrocarbon substances by the City of Long Beach, provided that with respect to such portions of said lands used therefor as are tide and submerged lands, whether filled or unfilled, or that are held subject to the tideland trust, that the Board of Harbor Commissioners has determined, by resolution, that said lands, or parts thereof, are not required, and with reasonable certainty will not be required, for a period of thirty-five (35) years, for the promotion or development of commerce, navigation or fishery.

(4) To have control and jurisdiction of that part of the City of Long Beach, hereinafter defined as the "Harbor District", as said district was bounded and described on the first day of April, 1956, except as to those lands, or parts thereof, within said district as may be used for or in connection with the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas and other hydrocarbon substances by the City of Long Beach as provided herein; and to make and enforce in said Harbor District general rules and regulations, to the extent that may be necessary or requisite for port purposes and harbor development, and in carrying out the powers elsewhere vested in said Board; provided, however, that with the approval of the City Council, said Board may, with the prior approval of the electors, relinquish to the Council control of portions of said Harbor District, and likewise, upon request of the Board, the Council may, by ordinance, also with the prior approval of the electors, change the boundaries of the Harbor District.

Sec. 229d. (a) All money received or collected from or arising out of the use or operation of any harbor or port improvement, work, appliance, facility or utility, or water craft, owned, controlled or operated by the City of Long Beach in

or upon or pertaining to the water front or navigable waters of said city; all tolls, charges and rentals collected by the Harbor Department, and all compensations or fees required to be paid for services, franchises or licenses, or otherwise by law or ordinance or order, to the city for the operation of any public service utility upon lands and waters under the control and management of the Harbor Department, shall be deposited in the city treasury to the credit of the "Harbor Revenue Fund", which fund has been heretofore created and established and is hereby continued, and shall be kept separate and apart from other moneys of the city. Said fund shall be a continuing fund not subject to transfer at the close of the fiscal year.

(b) The money deposited in the Harbor Revenue Fund may, from time to time, be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any moneys in any sinking fund, or any surplus moneys in the treasury of cities in the State. All interest, earnings, income or profits from the investment of said money shall likewise be deposited to the credit of said fund.

(c) Money credited to the Harbor Revenue Fund may be appropriated and used only for the following purposes:

(1) For the necessary expenses of promoting and conducting the Harbor Department, including the operation, repair and maintenance of all harbor or port improvements, works, utilities, appliances, facilities and water craft, owned, controlled or operated by the city for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith;

(2) For the acquisition, construction, completion and maintenance, to the extent and in the manner permitted by all applicable law, of harbor and port improvements, buildings, work, utilities, appliances, facilities, and water craft, for the promotion and accommodation of commerce, navigation and fishery, or used in connection therewith, and for all other improvements and betterments authorized by law to lands and property under the control, supervision and management of the department, including the purchase or condemnation of necessary lands and other property and property rights;

(3) For the payment of the principal or interest, or both, of harbor improvement bonds;

(4) To return and pay into the general fund of the city, from any surplus money in said Harbor Revenue Fund, which in the judgment of the Board may not be needed for port purposes, any sums paid by the city from funds raised by taxation for the payment of the principal or interest of any municipal bonds issued by the city for or on account of the harbor improvement works to which such revenue fund pertains.

(d) All reimbursements, repayments, and approved reimbursement transfers from other established funds may be used for the same purposes as specified in subsection (c) above. All such reimbursement transfers shall be made by journal entry

on the books of the city in the manner determined by the City Manager.

(e) All money remaining in the Harbor Reserve Fund, including all interest and earnings credited thereto, as of the effective date of this amendment, and without the necessity of any further action, shall be transferred and paid into the Harbor Revenue Fund. Said Harbor Reserve Fund shall thereupon cease to exist.

Sec. 260.7 (a) The net proceeds received by the City of Long Beach from the sale or disposition of oil, gas and other hydrocarbon substances derived from, or allocated or assigned to all lands acquired by the city by purchase, tax deed, exchange, trade or gift, located in the Harbor District of the City of Long Beach, other than lands which were purchased or acquired, in whole or in part, by use of tideland trust moneys, to the extent provided in Chapter 138, Statutes of 1964, First Extraordinary Session, and other than tide and submerged lands which were acquired by the city by grant from the State of California pursuant to the provisions of Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, and Chapter 158, Statutes of 1935, together with all money derived from cash bonuses paid by oil companies or individuals for oil leases on said lands, other than any tideland-trust-money-acquired lands or said tide and submerged lands (including all money paid for permits for drilling oil wells or for the erection of oil well derricks or other buildings in connection with oil development, and irrespective of whether or not such wells, derricks or buildings are located on any tideland-trust-money-acquired lands or on said tide and submerged lands) shall be paid into the General Bond Redemption and Interest Fund, which fund has been heretofore created and established and is hereby continued, so long as any such money shall be required for payment of any unpaid principal or interest on any and all outstanding general obligation bonds of the City of Long Beach other than those issued for Harbor, Water or Gas Department purposes, regardless of when such principal or interest shall be due or payable.

(b) The net proceeds received by the City of Long Beach from the sale or disposition of oil, gas or other hydrocarbon substances derived from, or allocated or assigned to all lands belonging to the city and located outside the Harbor District, other than lands classified as tideland-trust-money-acquired lands or tide and submerged lands, as referred to in subsection (a) above, shall likewise be paid into the General Bond Redemption and Interest Fund so long as any such money shall be required for payment of any unpaid principal or interest on any and all outstanding general obligation bonds of the City of Long Beach other than those issued for Harbor, Water or Gas Department purposes, regardless of when such principal or interest shall be due or payable

(c) When there shall have been deposited in said fund sufficient moneys to pay the principal and interest on any and all

such outstanding bonds, thereafter, and until there may be other such bonds outstanding, such money shall be paid into the Public Improvement Reserve Fund, so long as the amount of money therein shall be not more than the authorized maximum for said fund. Thereafter, whenever said funds shall be filled, and until such money shall be further required for, first, the General Bond Redemption and Interest Fund, such money, as received, shall be paid into the General Purpose Fund.

(d) The money deposited in the General Bond Redemption and Interest Fund may, from time to time, be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any moneys in any sinking fund, or any surplus moneys in the treasury of cities in the State. All interest, earnings, income or profits from the investment of said money shall likewise, to the extent required, be deposited to the credit of said fund.

Sec. 229i. All money deposited in the city treasury to the credit of the "Harbor Bond Redemption and Interest Fund", which fund has been heretofore created and established and is hereby continued, shall be used solely and exclusively to pay the principal and interest on all bonds issued by the City of Long Beach for harbor purposes. Said fund shall be a continuing fund not subject to transfer at the close of the fiscal year. When there shall have been deposited in such fund sufficient money to pay the principal and interest on any and all outstanding bonds, thereafter, and until there may be other such bonds outstanding, no further deposits shall be made into said fund, and all money which would otherwise be deposited therein, including interest increments, shall be paid into the Harbor Revenue Fund. The money deposited in the Harbor Bond Redemption and Interest Fund may be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any moneys in any sinking fund, or any surplus moneys in the treasury of cities in the State.

Sec. 260.1 (a) There is hereby created and established a special fund, to be designated as the "Tideland Oil Revenue Fund", which shall be a continuing fund not subject to transfer at the close of the fiscal year. Revenue from the following sources shall be deposited in the city treasury to the credit of said fund:

(1) The net proceeds received by the City of Long Beach from the sale or disposition of oil, gas and other hydrocarbon substances (other than dry gas), including advance payments, derived from, or allocated or assigned to, the "Long Beach tidelands", as defined in Chapter 138, Statutes of California, 1964, First Extraordinary Session.

(2) The net receipts from the sale of property used in the extraction, sale or disposition of oil, gas and other hydrocarbon substances from the Long Beach tidelands, the cost of

which has been or may be defrayed from proceeds from such hydrocarbon substances.

(3) The net proceeds received by the City of Long Beach from the sale or disposition of oil, gas and other hydrocarbon substances (other than dry gas) derived from, or allocated or assigned to, or attributable to production from or allocated or assigned to any lands lying seaward of the northerly boundary of the Long Beach tidelands, as defined in Chapter 138 aforesaid, and westerly of the easterly boundary of the undeveloped portion of the Long Beach tidelands.

(4) The net proceeds received by the City of Long Beach from the sale or disposition of oil, gas and other hydrocarbon substances (other than dry gas) derived from, or allocated or assigned to, or attributable to production from or allocated or assigned to any lands owned by the city, including lands under the control and jurisdiction of the Harbor Department, and which were purchased or acquired, in whole or in part, by use of tideland trust moneys, to the extent provided in Chapter 138 aforesaid.

(5) The net receipts to the City of Long Beach from the sale of dry gas as such derived from, or allocated or assigned to, or attributable to production from, or allocated or assigned to, the Long Beach tidelands, and which said dry gas is not received into the system of the city's municipal gas department.

(6) The repayment of all sums of money advanced from said fund for the purpose of financing participants in unit agreements and unit operating agreements.

(b) The money deposited in the Tideland Oil Revenue Fund may, from time to time, be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any moneys in any sinking fund, or any surplus moneys in the treasury of cities in the State.

(c) Money credited to the Tideland Oil Revenue Fund may be used only for the following purposes:

(1) The payment of all reasonable and necessary expenses, whether incurred in conjunction with unitized or non-unitized operations, incident to the development, production, extraction, processing, sale or other disposition of the oil, gas and other hydrocarbon substances derived from, or allocated or assigned to, the Long Beach tidelands, as defined in Chapter 138 aforesaid, the conducting of repressuring and pressure maintenance operations, and the satisfaction of all obligations arising out of or attributable to the conduct of any of the aforegoing activities.

(2) The payment to the State of California, for and in compliance with the purposes and formula stated, and for the benefit and reimbursement of the respective State agencies therein designated, whether or not included in the official city budget, such amounts as shall be presently or hereafter required by reason of the enactment by the State Legis-

lature of Chapter 29, Statutes of 1956, First Extraordinary Session, as amended by Chapter 1398, Statutes of 1963, and Chapter 138, Statutes of 1964, First Extraordinary Session, as such legislation is, has been and may hereafter be construed by the courts having jurisdiction thereof.

(3) The payment of all costs and expenses incurred by the City of Long Beach, and not included in paragraph (1) above, incident to the supervision and administration of oil and gas operations. To the extent that any non-tideland costs and expenses with respect to such supervision and administration may be initially paid from the Tideland Oil Revenue Fund, such fund shall be reimbursed therefor by appropriate journal entry on the books of the city in the manner determined by the City Manager.

(4) The payment of the City of Long Beach and Harbor District subsidence costs.

(5) To finance participants in unit agreements and unit operating agreements, including any contractor or lessee of city-controlled lands qualifying as a participant therein, in the manner provided by law, in such amounts, whether or not included in the official budget, as shall be determined by the City Council to be necessary in order to encourage the initiation and conduct of repressuring operations with the greatest possible speed in a subsidence area.

(6) With prior approval of a majority of all members of the City Council, moneys may be expended from said fund for all other projects and purposes authorized by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1935, Chapter 29, Statutes of 1956, First Extraordinary Session, and Chapter 138, Statutes of 1964, First Extraordinary Session.

(7) To the extent moneys are at any time expended from other established funds, including those providing for the operation and maintenance of the Harbor Department, in payment of costs, expenses, departmental charges, or any other obligation incurred, which said costs, expenses, departmental charges or obligation could properly be charged to and paid from said Tideland Oil Revenue Fund, such fund incurring such expenditure may, with the approval of the City Manager, be reimbursed therefor. All such reimbursement transfers shall be made by journal entry on the books of the city in the manner determined by the City Manager.

Sec. 260.2 (a) There is hereby created and established a special fund, to be designated as the "Tideland Operating Fund", which shall be a continuing fund not subject to transfer at the close of the fiscal year. Revenue from the following sources shall be deposited in the city treasury to the credit of said fund:

(1) All net proceeds and revenues, exclusive of net proceeds and revenues attributable to oil and gas operations, derived from the conduct and maintenance of operations, facilities, and

other improvements situated on the Long Beach tidelands outside of the Harbor District, and from operations, facilities and other improvements situated on other lands outside of the Harbor District owned by the city to the proportionate extent that such lands were acquired with, or such operations, facilities and improvements were constructed or implemented with, tideland trust moneys.

(2) Interest, earnings, income or profits from the investment of money deposited to the credit of the Tideland Oil Revenue Fund.

(3) Approved reimbursement transfers from other established funds All such reimbursement transfers shall be made by journal entry on the books of the city in the manner determined by the City Manager.

(b) The money deposited in the Tideland Operating Fund may, from time to time, be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any moneys in any sinking fund, or any surplus moneys in the treasury of cities in the State. All interest, earnings, income or profits from the investment of said money shall likewise be deposited to the credit of said fund.

(c) With prior approval of a majority of all members of the City Council, money credited to the Tideland Operating Fund may be expended for the purpose of performing services, defraying operating and maintenance costs, making repairs, additions and betterments, making land acquisitions, constructing improvements, and for other related purposes, all as authorized by Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1935, Chapter 29, Statutes of 1956, First Extraordinary Session, and Chapter 138, Statutes of 1964, First Extraordinary Session.

(d) All money attributable to oil revenue remaining in the Tideland Oil Fund as of the effective date of this amendment, and without the necessity of any further action, shall be transferred and paid into the Tideland Oil Revenue Fund. The balance of all other moneys in said fund shall, without further action, be transferred and paid into the Tideland Operating Fund. Said Tideland Oil Fund shall thereupon cease to exist. Those portions of the money in said fund which are transferred and paid into the Tideland Oil Revenue Fund and the Tideland Operating Fund, respectively, shall be expended for purposes in accordance with the currently adopted appropriation ordinance.

Sec. 260.3. The expenditures of any money heretofore made from the General Bond Redemption and Interest Fund, with the prior approval of a majority of all members of the City Council, and from the Harbor Revenue Fund, with the prior approval of a majority of all members of the Board of Harbor Commissioners, for the purpose of paying and satisfying that certain financial obligation incurred by the City of Long Beach and owing to the State of California, resulting

from an accounting for the net proceeds received by the City of Long Beach on and after February 1, 1956, from the sale and disposition of certain oil, gas and other hydrocarbon substances produced and saved in the Harbor District of said city, said accounting being rendered in accordance with the requirements of Chapter 138, Statutes of California, 1964, First Extraordinary Session, are hereby approved, ratified and confirmed.

Sec. 260.4. There is hereby created and established a special fund, to be designated as the "Reserve Fund for Subsidence Contingencies", which shall be a continuing fund not subject to transfer at the close of the fiscal year.

There shall be deposited in the city treasury to the credit of said fund all moneys payable to the City of Long Beach in accordance with any provision for a "reserve for subsidence contingencies" as contained in the "Contractors' agreement", as defined and referred to in Chapter 138, Statutes of 1964, First Extraordinary Session. All of said amounts, together with interest, shall be invested in bonds issued by the State of California or, if such bonds are unavailable, then in securities of the United States.

There shall be expended from such fund, whether or not included in the official city budget, sufficient moneys to indemnify and hold harmless the City of Long Beach, the State of California, and any and all contractors under the aforesaid Contractors' agreement from claims, judgments and costs of defense, arising from subsidence alleged to have occurred as a result of operations under said agreement.

There shall also be expended from such fund moneys to pay subsidence costs or the costs of conducting repressuring operations in the event there is no oil revenue, as defined in Chapter 138 aforesaid, or the oil revenue is insufficient to pay such costs.

Moneys in said fund shall not be otherwise expended, nor shall any distribution be made therefrom, except in accordance with the provisions of Chapter 138, Statutes of 1964, First Extraordinary Session.

Article XXVIII

Department of Oil Properties Administration—Oil Contracts

Sec. 315. (a) There is hereby created a department of the City of Long Beach to be known as the Department of Oil Properties. This department shall consist of a Director of Oil Properties and such assistants, deputies, clerks, attaches and other employees that the City Council may from time to time prescribe and authorize. The Director of Oil Properties shall be appointed, with the confirmation of the City Council, by the City Manager, and shall serve during the pleasure of the City Manager. The Director of Oil Properties shall appoint, with the

approval of the City Manager, all assistants, deputies, clerks, attaches and other employees of said department, who shall serve during the pleasure of the City Manager, subject to the provisions of Article XI of this charter.

(b) Subject to the supervision and control of the City Manager in all matters, the Director of Oil Properties shall have charge of and be responsible for the administration of the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas and other hydrocarbon substances by the City of Long Beach to the extent reserved to said City in any and all leases, contracts or other agreements between said City and other persons, firms, corporations or associations pursuant to the provisions of this charter. The Director of Oil Properties shall also have charge of and be responsible for the administration of all subsidence control and pressure maintenance programs, and shall perform such other duties as may be required of him by this charter, by the City Manager, or by ordinance adopted by the City Council.

Sec 316. The power of the City to drill for, develop, produce, extract, process, take or remove, store and dispose of oil, gas and other hydrocarbon substances, of whatsoever kind, from, under, across or through any and all lands, including all tide and submerged lands, whether filled or unfilled, and whether such lands belong to the City of Long Beach, or whether such lands be those in or from which the City may now or hereafter have the right so to drill for, develop, produce, extract, process, take or remove, store and dispose of oil, gas and other hydrocarbon substances, shall be exercised by such means, or methods, or in such manner as the City Council may authorize, including, but not limited to, the following:

(1) By agreements permitting other persons, firms, corporations or associations to drill for, develop, produce, extract, process, take or remove, store or dispose of oil, gas or other hydrocarbon substances for and in consideration of a division of the proceeds, if any, of such operations.

(2) By agreements with other persons, firms, corporations or associations whereby the City of Long Beach shall pay a cash consideration for the performance of such agreements; and

(3) Directly by employees of the City under the supervision and direction of the City Manager.

Provided, that any and all agreements referred to in subsections (1) and (2) of this section shall be subject to the provisions of section 317 of this charter; and provided that any and all agreements referred to in subsection (1) of this section shall be for a term or period as the City Council may determine, however, not to exceed such as shall be provided by law, if any, and an adequate portion of the proceeds shall at all times be reserved to the City of Long Beach and the full and sole consideration to the respective parties to such agreements shall

be the apportionment to such parties of the proceeds, if any, from the operations provided for by such agreements.

Provided, further, that before such power may be exercised as to tide and submerged lands, whether filled or unfilled, or as to such lands as are held subject to the tideland trust, said City Council, as to such lands outside the Harbor District, and the Board of Harbor Commissioners, as to such lands within the Harbor District, shall first determine, by resolution, that such lands, or parts thereof, intended to be so used are not required, and with reasonable certainty will not be required, for a period of thirty-five (35) years or for such term or period of the lease, contract or other agreement between the City of Long Beach and other persons, firms, corporations or associations pursuant to which such powers may be exercised and relating to such lands or parts thereof, for the promotion or development of commerce, navigation or fishery.

With respect to tide and submerged lands, whether filled or unfilled, if the City Council shall elect to drill for, develop, produce, extract, process, take or remove, store and dispose of oil, gas and other hydrocarbon substances directly by its own employees and under its own supervision and direction, or by agreements with other persons, firms, corporations or associations, whereby the City of Long Beach shall pay a cash consideration for the performance of such agreements, said City Council may commence and prosecute such operations by using moneys derived from, or allocated or assigned to, or attributable to production from or allocated or assigned to all tide and submerged lands granted to the City by the State of California and to any lands within the city limits of the City of Long Beach belonging to the City and which were purchased or acquired, in whole or in part, by use of tideland trust moneys.

Sec. 317. (a) The City Council may authorize and direct the execution of leases, contracts or other agreements between the City of Long Beach and other persons, firms, corporations or associations to drill for, develop, produce, extract, process, take or remove, store and dispose of oil, gas and other hydrocarbon substances from, under, across or through any and all lands including tide and submerged lands, whether filled or unfilled, belonging to the City of Long Beach, or such lands in or from which the City may now or hereafter have the right so to drill for, develop, produce, extract, process, take or remove, store and dispose of oil, gas and other hydrocarbon substances for the term or period in each instance not to exceed such as provided by law; provided, any such lease, contract or other agreement shall be made and entered into with the highest responsible bidder upon competitive bidding in the manner and form as shall be approved by said City Council, after publication of notice calling for bids in the official newspaper of the City; provided, further, that with respect to such leases, contracts or other agreements relating to such tide and submerged lands, whether filled or unfilled,

that all specifications and forms for the purpose of inviting bids in connection therewith shall be approved by the State Lands Commission prior to publication of notice to bidders, that such leases, contracts or other agreements shall be of no effect unless and until approved by said State Lands Commission, that such leases, contracts or other agreements shall include all provisions necessary to assure compliance with the requirements of applicable laws of the State of California, including Chapter 29, Statutes of 1956, First Extraordinary Session, and Chapter 138, Statutes of 1964, First Extraordinary Session, or such as may be lawfully required by subsequently enacted legislation, as such legislation is, has been or may hereafter be construed by the courts having jurisdiction thereof; nor shall such leases, contracts or other agreements be modified or amended in any respect without the advance consent of said State Lands Commission thereto; provided, further, said City Council may authorize the execution of any such lease, contract or other agreement between the City and other persons, firms, corporations or associations, including such lands, other than tide and submerged lands granted to the City by the State of California, in a community lease embracing adjoining lands not belonging to the City without such competitive bidding.

Notwithstanding the competitive bidding requirement hereinabove provided, the City Council may, by negotiation and without resort to competitive bidding, extend the term of any lease, contract or other agreement providing for the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas or other hydrocarbon substances, and, in connection therewith, amend and modify the provisions, conditions and limitations thereof, including any provision for the division of the proceeds from oil and gas operations conducted thereunder, concerning the lands above referred to, except as to those leases, contracts or other agreements relating to the exploration and development of the tide and submerged lands granted to the City by the State of California as hereinafter in this subdivision (a) referred to; provided, however, that any such extension of term, including the existing unexpired term of any such lease, contract or other agreement, shall not exceed twenty-five (25) years.

The City Council shall not have the power, by negotiation, to extend the term, as the same is presently provided, in either or both of the following tide and submerged lands drilling and operating contracts:

(1) Richfield Oil Corporation Parcel "A", dated March 12, 1947, and recorded August 15, 1947, in Book 24847 at page 252, Official Records in the Office of the County Recorder of Los Angeles County, California;

(2) Drilling and Operating Contract (Long Beach Harbor Department Tidelands Parcel) entered into as of the 21st day of March, 1964, by and between Signal Oil and Gas Company,

Standard Oil Company of California, Humble Oil & Refining Company, Continental Oil Company, CM Oil Company, and Long Beach Oil Development Company, therein collectively referred to as the "Contractor", and Board of Harbor Commissioners of the City of Long Beach, for and on behalf of the City of Long Beach, and on its own behalf in its official capacity, therein referred to as the "City", or in any other lease, contract or other agreement providing for the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas or other hydrocarbon substances from the tide and submerged lands granted to the City by the State of California.

The power of extension hereby conferred is in addition to all other powers possessed by the City Council with respect to any such lease, contract or other agreement heretofore entered into and this subdivision is not intended, nor should it be construed, as divesting or in any manner diminishing any power which the City Council now has, with respect to matters not involving an extension of term, to amend or modify any such lease, contract or other agreement for the remainder of the term thereof.

(b) Notwithstanding the determination requirement contained in the second unnumbered paragraph of section 316, or the limitation as to term contained in subdivision (a) of this section, the City Council may enter into cooperative or unit agreements with respect to the lands or any interest in lands referred to in subdivision (a) of this section, all as more particularly hereinafter provided.

Whenever the City Council may determine it is in the interest of safeguarding life, health, welfare or property, or that the subsidence or sinking of any of said lands or abutting lands may possibly be arrested or ameliorated thereby, or that it is in the interest of increasing the ultimate recovery of oil or gas from such lands or of the protection of the oil or gas in said lands from unreasonable waste, provision may be made in any lease, contract or other agreement so as to provide, and any existing lease, contract or other agreement may be amended so as to provide, that any such lands may, at the direction of the City Council, be included in a cooperative or unit agreement with other lands belonging to the City, or with other lands not belonging to the City, for the purpose of bringing about the cooperative development or operation of all or a part or parts of the oil and gas field in which such lands are located, or for the purpose of bringing about the development or operation of all or a part or parts of such field as a unit, or for the purpose of fixing the time, location and manner of drilling and operating of wells for the production of oil or gas, or providing for the return or injection of gas, water or other substances into the subsurface of the earth. In the event the City Council determines that any such lands, including lands not subject to any lease, contract or other agreement, should be included in such a cooperative

or unit agreement, the City Council shall have the power to negotiate and authorize the execution of all agreements necessary to effectuate, implement or modify such arrangement, including the power to bind and commit any such lands to a cooperative or unit agreement for the full term thereof and irrespective of the termination date of any lease, contract or other agreement then in effect as to such lands. The term of any such cooperative or unit agreement may be for such period or periods, including indefinite periods, as the City Council shall determine, and the competitive bidding provisions in this charter prescribed shall not apply to the making, implementation or modification of any such cooperative or unit agreement. The provisions of any existing lease, contract or other agreement between the City Council, the Board of Harbor Commissioners or the Board of Water Commissioners and any other person, firm, corporation or association relating to the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas or other hydrocarbon substances derived from the lands which are subject to such agreement may be amended, by negotiation and without resort to competitive bidding, to the extent the City Council shall determine is necessary or desirable in order to institute or effectuate such a cooperative or unit agreement; provided, however, no such amendment and no such cooperative or unit agreement nor any subsequent modification or amendment thereof, shall ever be construed as having the effect, either directly or indirectly, of extending the term of any lease, contract or other agreement then in effect as to such lands beyond the termination date therein expressly provided, but the foregoing shall not prevent the City Council from extending the term of any such lease, contract or other agreement as permitted by this charter or applicable law.

Before any tide or submerged lands, whether filled or unfilled, may be included in or committed to any cooperative or unit agreement, or before any modification or amendment of any cooperative or unit agreement which includes such lands may be made

1. The City Council, as to such lands outside the Harbor District, and the Board of Harbor Commissioners, as to such lands within the Harbor District, shall first determine, by resolution, that the surface of such lands, or that portion of the surface intended to be utilized, is not required, and with reasonable certainty will not be required, during the term of the proposed cooperative or unit agreement for the promotion or development of commerce, navigation or fishery; and

2. The State Lands Commission shall approve of any such agreement or any amendments thereto or modifications thereof.

Notwithstanding any other subdivision or section in this charter, the power of the City Council to enter into unit or cooperative agreements as hereinabove granted shall include the power to do such acts or things and to incur such commitments and obligations as are customary in unit or cooperative

agreements. Without limiting the generality of the foregoing, the City Council shall have the right and power, anything to the contrary in section 254 of this charter notwithstanding, to give customary indemnities, liens on production, and other rights to the operator and other parties to the cooperative or unit agreement, and to share in the expenses of any such cooperative or unit agreement.

No agreement providing for a cooperative or unit development plan shall be authorized, the effect of which would permit the construction or installation of derricks, machinery or apparatus on the surface of any land for the purpose of drilling for, pumping or producing oil, gas or other hydrocarbon substances in any area of the City in which such operations shall then be prohibited by regulatory or initiative ordinance.

Sec 318. With respect to any and all leases, contracts or other agreements, including cooperative or unit agreements, relating to the drilling for, developing, producing, extracting, processing, taking or removing, storing and disposing of oil, gas or other hydrocarbon substances, heretofore entered into pursuant to the provisions of this charter, wherein the Board of Harbor Commissioners or the Board of Water Commissioners shall be a party thereto, the City Council shall be deemed to be, and shall constitute, the Board of Harbor Commissioners and the Board of Water Commissioners and shall act in the place and stead thereof, and the City Manager shall be deemed to be, and shall constitute, the General Manager of the Harbor Department or the General Manager of the Water Department and all powers and duties therein conferred or imposed upon said respective general managers are hereby conferred and imposed upon the City Manager, who may delegate the exercise of such powers and duties to the Director of Oil Properties.

With respect to the aforementioned leases, contracts and other agreements wherein the Board of Harbor Commissioners or the Board of Water Commissioners are parties thereto, the duties and functions pertaining thereto as shall devolve upon the City Council by reason of the provisions of this section may be delegated by the City Council to the City Manager or his designated representative from time to time, by ordinance, resolution or minute order. With respect to the duties and functions of the City Council relating to any other leases, contracts or other agreements, including cooperative or unit agreements, pertaining to the drilling for, developing, producing, extracting, processing, taking or removing, storing or disposing of oil, gas or other hydrocarbon substances entered into by the City of Long Beach pursuant to the provisions of this charter, such duties and functions may also be delegated by the City Council to the City Manager or his designated representative from time to time, by ordinance, resolution or minute order. A report of any action taken by the City Manager or his designated representative in accordance with such delegation by the City Council shall be submitted by the City Manager to the

City Council at its next regular meeting thereafter, and such action taken shall be deemed approved, confirmed and ratified, in the absence of action contrary thereto, by said City Council at said meeting.

Proposition K

That the Charter of the City of Long Beach be amended by amending Section 37b and adding thereto a new section to be designated as Section 37c to read as set forth hereinafter:

Sec. 37b. The City shall have the power, with the approval, authorization and consent of two-thirds (⅔) of the members of the City Council:

(a) To co-operate or join by contract with other cities, counties, districts, the state, the Federal Government, or agencies thereof, or other governmental agency, singly, jointly, or in districts or associations, for promoting or carrying out any of the powers of the City or for the acquisition, construction or operation of any works, plants or structures, or for the exercise of any common power, convenient or necessary for carrying out any of the purposes or objects authorized by this Charter.

(b) To contract with the County of Los Angeles for performance by officers and employees of the City of any or all of the functions or duties required or authorized to be performed by the County, or any County officer, within the territorial limits of the City.

(c) To contract with other cities or districts, the Federal Government, or agencies thereof, for the performance by officers and employees of the City of the functions and duties required or authorized to be performed by such cities or districts within their territorial limits, or the Federal Government or agencies thereof.

Sec. 37c. In addition to the other powers or duties conferred upon officers and employees of the City by this Charter, such officers and employees shall also be empowered to perform any and all functions imposed upon such officers or employees by any contract executed pursuant to authority conferred under agreements entered into pursuant to Sec. 37b.

Proposition L

That the Charter of the City of Long Beach be amended by adding Section 241 to Article XXIII thereof to read:

Sec. 241. The City Council of Long Beach is hereby authorized to establish a fund to be known as the "Park Improvement Fund." The City Council may annually levy and collect a special tax on the taxable property in the City of Long Beach for the purposes of depositing in said fund an amount not to exceed ten cents (10¢) on each One Hundred Dollars ($100 00) of the assessed value of all real and personal property in the City assessed for City purposes. Said fund shall be used to acquire, construct, develop and improve

parks, playgrounds, play lots and related facilities in the City, including the acquisition and installation of apparatus, equipment and furnishings necessary therefor. The City Council's right to levy this special tax for the "Park Improvement Fund" shall terminate with the levy for the City's fiscal year 1972–73. This section shall not constitute a limitation on other funds established in this Charter or the power of the City Council to appropriate additional funds for the purposes set forth herein.

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

In witness whereof, Edwin W. Wade, Mayor, as aforesaid, and Margaret L. Heartwell, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 17th day of December, 1964.

(SEAL)

EDWIN W. WADE
Mayor of the City of Long Beach
MARGARET L HEARTWELL
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the Charter of the City of Long Beach.

CHAPTER 8

Assembly Concurrent Resolution No. 1—Approving the Charter of the City of Anaheim, County of Orange, State of California, ratified by the qualified electors of the city at a special election held therein on the 2nd day of June 1964.

[Filed with Secretary of State January 21, 1965]

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

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ANAHEIM OF CITY CHARTER

State of California }
County of Orange } ss.
City of Anaheim }

We, the undersigned, Odra L. Chandler, Mayor of the City of Anaheim, State of California, and Dene M. Williams, City Clerk of said City, do hereby certify and declare as follows:

That said City of Anaheim, in the County of Orange, State of California, is now, and was at all times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That the legislative body of said city, namely, the City Council thereof, did, in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, cause to be framed a proposed charter for its own government and duly and regularly submitted to the qualified electors of the City of Anaheim a proposition of the adoption of the proposed charter of the City of Anaheim at a special municipal election consolidated with the State Primary Election called and held for that purpose in said city on the 2nd day of June, 1964;

That such proposed charter was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 22nd day of April, 1964, in The Bulletin, a daily newspaper of general circulation printed and published in the City of Anaheim, the official newspaper of said City of Anaheim.

That copies of said proposed charter were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Anaheim within the time and manner required by law.

And until the date fixed for the election, June 2, 1964, as hereinafter set forth, there was published in said The Bulletin an advertisement stating that copies of said proposed charter could be had, upon application therefor, at the office of the City Clerk of said City of Anaheim.

That copies of said pamphlet containing said proposed charter could be had upon application therefor at the office of the City Clerk of said City at all times, to and including June 2, 1964, the date fixed for said election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the City Council of the City of Anaheim consolidated said special municipal with the State Primary Election held in said City of Anaheim on June 2, 1964.

That in accordance with the provisions, and in the manner provided by law, the said consolidated elections were duly and regularly held in said city, after due notice given and published, on April 22, 1964, which day of election was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed charter in The Bulletin, the official newspaper of said City of Anaheim.

That, in accordance with law, the County Clerk of the County of Orange, State of California, did duly and regularly canvass the returns of said election and did certify to the City Council of the City of Anaheim the result of such canvass; that said City Council on the 24th day of November, 1964, did duly find, determine and declare the result of said special election as determined from the canvass of the returns thereof aforesaid to be that a majority of the qualified electors of said city voting on said proposed charter had voted for, ratified and adopted said charter.

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

CHARTER OF THE CITY OF ANAHEIM

Table of Contents

Article I. Name of City

Section 100. Name

Article II. Boundaries

Section 200. Boundaries

Article III. Succession

Section 300. Rights and Liabilities

Section 301. Ordinances Continued in Effect

Section 302. Rights of Officers and Employees Preserved
Section 303 Continuance of Present Officers and Employees
Section 304 Continuance of Contracts and Public Improvements
Section 305 Pending Actions and Proceedings
Section 306 Effective Date of Charter

Article IV Powers of City

Section 400. Powers of City
Section 401. Procedures

Article V. City Council

Section 500 City Council Terms
Section 501. Eligibility
Section 502. Compensation
Section 503. Vacancies
Section 504. Presiding Officer
Section 505. Powers Vested in City Council
Section 506. Regular Meetings
Section 507. Special Meetings
Section 508. Place of Meetings
Section 509. Quorum Proceedings
Section 510. Citizen Participation
Section 511 Adoption of Ordinances and Resolutions
Section 512 Ordinances. Enactment. Publication
Section 513 Codification of Ordinances
Section 514. Ordinances. When Effective
Section 515. Ordinances. Violation. Penalty
Section 516. Ordinances. Amendment
Section 517. Publishing of Legal Notices
Section 518. Contracts. Execution

Article VI. City Manager

Section 600 City Manager
Section 601. Residence
Section 602. Eligibility
Section 603 Compensation and Bond
Section 604. Powers and Duties
Section 605. Meetings
Section 606 Removal
Section 607. Non-Interference with Administrative Service
Section 608. Assistant City Manager
Section 609. Acting City Manager

Article VII. Officers and Employees

Section 700. Enumeration
Section 701. Appointment and Removal

Section 702. Administrative Departments
Section 703. City Attorney. Powers and Duties
Section 704. City Clerk. Powers and Duties
Section 705. City Treasurer. Powers and Duties
Section 706. Director of Finance. Powers and Duties
Section 707. Administering Oaths
Section 708. Illegal Contract, Financial Interest
Section 709. Acceptance of Other Office
Section 710. Nepotism
Section 711. Official Bonds

Article VIII. Board of Education

Section 800. State Law Governs
Section 801. Effect of Charter on District
Section 802. Effect of Charter on Board

Article IX. Appointive Boards and Commissions

Section 900. In General
Section 901. Appropriations
Section 902. Appointments. Terms
Section 903. Existing Boards
Section 904. Meetings. Chairman
Section 905. Oaths. Affirmations
Section 906. Planning Commission. Powers and Duties
Section 907. Park and Recreation Commission. Powers and Duties
Section 908. Library Board. Powers and Duties

Article X. Personnel System

Section 1000. System to be Established

Article XI. Retirement

Section 1100. State System

Article XII. Fiscal Administration

Section 1200. Fiscal Year
Section 1201. Annual Budget. Preparation by the City Manager
Section 1202. Budget. Submission to City Council
Section 1203. Budget. Public Hearing
Section 1204. Budget. Further Consideration and Adoption
Section 1205. Budget. Appropriations
Section 1206. Centralized Purchasing
Section 1207. Tax Limits
Section 1208. Tax Procedure

Section 1209. Bonded Debt Limit
Section 1210. Revenue Bonds
Section 1211. Contracts on Public Works
Section 1212. Cash Basis Fund
Section 1213. Capital Outlays Fund
Section 1214. Treasurer's Departmental Trust Fund
Section 1215. Other Funds
Section 1216. Claims and Demands. Presentation and Payment
Section 1217. Actions Against City
Section 1218. Registering Warrants
Section 1219. Independent Audit
Section 1220. Sale of Public Utility

Article XIII. Elections

Section 1300. General Municipal Elections
Section 1301. Special Municipal Elections
Section 1302. Procedure for Holding Elections
Section 1303. Initiative, Referendum and Recall

Article XIV. Franchises

Section 1400. Granting of Franchises
Section 1401. Resolution of Intention. Notice and Public Hearing
Section 1402. Terms of Franchises
Section 1403. Grant to be in Lieu of all Other Franchises
Section 1404. Eminent Domain
Section 1405. Duties of Grantees
Section 1406. Exercising Rights Without Franchise

Article XV. Miscellaneous

Section 1500. Definitions
Section 1501. Violations
Section 1502. Validity

CHARTER OF THE CITY OF ANAHEIM

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

Article I Name of City

Section 100. Name. The municipal corporation now existing and known as the City of Anaheim shall remain and continue to exist as a municipal corporation under its present name of "City of Anaheim".

Article II Boundaries

Section 200. Boundaries. The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, and as such boundaries may be changed thereafter from time to time in the manner authorized by law.

Article III Succession

Section 300. Rights and Liabilities. The City of Anaheim shall continue to own, possess and control all rights and property of every kind and nature owned, possessed or controlled by it at the time this Charter takes effect and shall continue to be subject to all its debts, obligations, liabilities and contracts.

Section 301. Ordinances Continued in Effect. All lawful ordinances, resolutions, rules and regulations, and portions thereof, in force at the time this Charter takes effect and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed, amended, changed or superseded by proper authority.

Section 302. Rights of Officers and Employees Preserved Nothing in this Charter contained, unless otherwise specifically provided therein, shall affect or impair the personnel, pension or retirement rights or privileges of officers or employees of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect

Section 303. Continuance of Present Officers and Employees. The present officers and employees of the City shall continue without interruption to perform the duties of their respective offices and employments upon the same terms and conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, but subject to such removal, amendment and control as is provided or permitted in this Charter, and, as to offices which are changed, abolished or superseded by this Charter, until the election or appointment and qualification of their respective successors under this Charter. Each elective officer whose office is made appointive under this Charter shall continue to hold such office, and he shall assume classified status therein under the personnel system to be established pursuant to Section 1000 of this Charter, but his retirement status, rights or privileges shall not be deemed to be changed, altered or affected in any way by the adoption of this Charter so long as he holds such office.

Section 304 Continuance of Contracts and Public Improvements. All contracts entered into by the City or for its benefit prior to the effective date of this Charter and then in effect, shall continue in full force and effect according to their terms. Public improvements for which proceedings have been instituted under laws existing at the time this Charter takes effect, in the discretion of the Council, may be carried to completion as nearly as practicable in accordance with the

provisions of such existing laws or may be continued or perfected under this Charter.

Section 305 Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, department or agency thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency a party thereto, may be assigned or transferred by or under this Charter to another officer, office, department or agency, but in that event the same may be prosecuted or defended by the head of the office department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 306. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature.

Article IV Powers of City

Section 400. Powers of City. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter or in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California, subject to such restrictions and limitations as may be contained in this Charter.

The enumeration in this Charter of any particular power shall not be held to be exclusive of, or any limitation upon, the generality of the foregoing provisions.

Section 401. Procedures The City shall have the power to and may act pursuant to any procedure established by any law of the State, unless a different procedure is required by this Charter.

Article V City Council

Section 500. City Council. Terms. The elective officers of the City shall consist of a City Council of five members elected from the City at large at the times and in the manner provided in this Charter who shall serve for a term of four years and until their respective successors qualify.

The five members of the City Council in office at the time this Charter takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified Three members of the City Council shall be elected at the general municipal election held in April,

1966, and each fourth year thereafter. Two members of the City Council shall be elected at the general municipal election held in April, 1968 and each fourth year thereafter.

The term of each member of the City Council shall commence on the first Tuesday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Section 501. Eligibility. No person shall be eligible to hold office as a member of the City Council unless he is and shall have been a resident and qualified elector of the City for at least three years next preceding the date of his election or appointment.

Section 502. Compensation. The members of the City Council other than the Mayor shall receive as compensation for their services as such a monthly salary in the sum of Four Hundred Dollars per month, and the Mayor shall receive as compensation for his services a monthly salary in the sum of Eight Hundred Dollars per month. In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty. In addition, members shall receive reimbursement for itemized routine and ordinary expenses incurred in official duty or such reasonable and adequate amount as may be established by ordinance, which amount shall be deemed to be reimbursement to them of routine and ordinary expenses imposed upon them by virtue of their serving as City Councilmen.

Section 503. Vacancies. A vacancy in the City Council, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor qualifies. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term. As used in this paragraph, the next general municipal election shall mean the next such election at which it is possible to place the matter on the ballot and elect a successor.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of thirty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the City, his office shall become vacant. The City Council shall declare the existence of any such vacancy.

In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall cause an election to be held forthwith to fill such vacancy for the remainder of the unexpired term.

Section 504. Presiding Officer. On the first Tuesday following any general or special municipal election at which any Councilman is elected, and at any time when there is a vacancy

in the office of Mayor, the City Council shall meet and shall elect by open vote one of its members as its presiding officer, who shall have the title of Mayor. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall have the primary but not the exclusive responsibility for communicating the policies, programs and needs of the City government to the people, and as occasion requires, he may inform the people of any major change in policy or program. He shall perform such other duties consistent with his office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Section 505. Powers Vested in City Council. All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

Section 506. Regular Meetings. The City Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

Section 507. Special Meetings. A special meeting may be called at any time by the Mayor, or by three members of the City Council, by written notice to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting Such written notice may be dispensed with as to any person entitled thereto who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

Section 508. Place of Meetings. All meetings shall be held in the Council Chambers of the City Hall, or in such place within the City to which any such meeting may be adjourned, and shall be open to the public. If, by reason of

fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place within the City as is designated by the Mayor, or, if he should fail to act, by three members of the City Council.

Section 509. Quorum. Proceedings. A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally or by mail to each councilman at least twenty-four hours before the time to which the meeting is adjourned, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. It may establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings.

Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. They shall be served and complied with in the same manner as subpoenas in civil actions. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

Voting on all matters which come before the Council shall be by voice or visual means wherein the vote of each member may be ascertained. At the demand of any member, and upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call the roll and shall cause the ayes and noes taken on such questions to be entered in the minutes of the meeting.

Section 510. Citizen Participation. All regular and special meetings of the City Council shall be open and public and all persons shall be permitted to attend such meetings, except that the provisions of this Section shall not apply to executive sessions to consider the appointment, employment, discipline or dismissal of a public officer or employee or to hear complaints or charges brought against any such officer or employee. No resident or property owner shall be denied the right to be heard by the City Council, but such right shall

be subject to such reasonable rules and regulations as may be authorized or adopted by ordinance.

Section 511. Adoption of Ordinances and Resolutions. With the sole exception of emergency ordinances which take effect upon adoption, referred to in this Article, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present, except that emergency ordinances shall be read in full. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

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

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

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

Section 512. Ordinances. Enactment. Publication. In addition to such other acts of the City Council as are required by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

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

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

Section 513. Codification of Ordinances. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, re-

vised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference, with the same effect as an ordinance, by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Amendments to the code shall be enacted by ordinance.

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

Section 514. Ordinances. When Effective. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

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

(b) An improvement proceeding ordinance adopted under some special law or procedural ordinance relating thereto;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of property taxation, or levying the annual tax upon property;

(d) An emergency ordinance adopted in the manner provided for in this Article.

Section 515. Ordinances, Violation. Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California and/or may be redressed by civil action. The maximum fine or penalty for any violation of a City ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both. The City Council may provide by ordinance that persons imprisoned in the City Jail for violation of law or ordinance may be compelled to labor on public works.

Section 516. Ordinances Amendment. The amendment of any section or sub-section of an ordinance may be accomplished solely by the re-enactment of such section or sub-section at length, as amended.

Section 517. Publishing of Legal Notices. The City Council shall contract for the publication of all legal notices, ordinances and other matter required to be published in a newspaper of general circulation in the City. Each such contract shall cover a period of not less than one nor more than three years. In the event there is more than one newspaper of general circulation published within the City, the contract shall be made only after the publication of a notice inviting bids therefor. In the event there is only one newspaper of general cir-

culation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices or matter without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be the official newspaper for the publication of such notices or other matter for the period of such contract.

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

In the event there is no newspaper of general circulation published in the City, or in the event no such newspaper will accept such notices or other matter at the rates permitted herein, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City to be designated by ordinance.

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

Section 518. Contracts. Execution. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

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

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

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

The provisions of this Section shall not apply to the employment of any person by the City at a regular salary.

Article VI City Manager

Section 600. City Manager. There shall be a City Manager who shall be the chief administrative officer of the City. He shall be appointed by the affirmative vote of at least a majority of the members of the City Council and shall serve at

the pleasure of the City Council, provided, however, that he shall not be removed from office except as provided in this Charter. He shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual experience in, and his knowledge of, accepted practice in respect to the duties of his office as herein set forth.

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

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

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

Section 604. Powers and Duties. The City Manager shall be the chief administrative officer and head of the administrative branch of the City Government. Except as otherwise provided in this Charter, he shall be responsible to the City Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, subject to the provisions of this Charter, including the personnel provisions thereof, the City Manager shall have power and be required to·

(a) Appoint, and he may promote, demote, suspend or remove, all department heads, officers and employees of the City except elective officers and those department heads, officers and employees the power of whose appointment is vested by this Charter in the City Council. He may authorize the head of any department or office to appoint or remove subordinates in such department or office. No department head shall be appointed or removed until the City Manager shall first have reviewed such appointment or removal with the City Council and received its approval for such appointment or removal.

(b) Prepare the budget annually, submit it to the City Council, and be responsible for its administration after its adoption.

(c) Prepare and submit to the City Council as of the end of each fiscal year, a complete report on the finances of the City for the preceding fiscal year, and annually or more frequently, a current report of the principal administrative activities of the City.

(d) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may to him seem desirable.

(e) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) Prepare rules and regulations governing the contracting for, purchasing, inspection, storing, inventory, distribution and disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Council for adoption by ordinance, and administer and enforce the same after adoption.

(g) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City are enforced.

(h) Exercise control of all administrative offices and departments of the City and of all appointive officers and employees except those directly appointed by the City Council and prescribe such general rules and regulations as he may deem necessary or proper for the general conduct of the administrative offices and departments of the City under his jurisdiction

(i) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Section 605. Meetings. The City Manager shall be accorded a seat at all meetings of the City Council and of all boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote. He shall receive notice of all special meetings of the City Council, and of all boards and commissions.

Section 606. Removal. The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative votes of a majority of the total membership of the City Council At least thirty days prior to the effective date of his removal the City Manager shall be furnished with a written notice stating the Council's intention to remove him and the reasons therefor. After furnishing the City Manager with written notice of his intended removal, the City Council may suspend him from duty, but his compensation shall continue until his removal as herein provided. In removing the City Manager, the City Council shall use its uncontrolled discretion, and its actions shall be final.

Section 607. Non-Interference With Administrative Service Except as otherwise provided in this Charter, neither the Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager, or by any of the department heads in the administrative

service of the City, of any person to any office or employment, or his removal therefrom. Except for the purpose of inquiry, the City Council and its members shall deal with the administrative service under the jurisdiction of the City Manager solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately.

Section 608. Assistant City Manager. There shall be an Assistant City Manager who shall act as the principal aid to the City Manager in the performance of his duties and who shall serve as Acting City Manager during the temporary absence or disability of the City Manager, except as otherwise provided in Section 609 of this Charter.

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

Article VII Officers and Employees

Section 700. Enumeration. In addition to the City Council, City Manager and Assistant City Manager, the officers and employees of the City shall consist of a City Attorney, a City Clerk, a City Treasurer, a Director of Finance, and such other officers, assistants, deputies and employees as the City Council may provide by ordinance or resolution.

Section 701. Appointment and Removal. The City Attorney, City Clerk and City Treasurer shall be appointed by and may be removed by the affirmative votes of at least a majority of the total membership of the City Council. All other officers, department heads and employees of the City shall be appointed and may be removed as elsewhere in this Charter provided.

Section 702. Administrative Departments. The City Council may provide by ordinance or resolution not inconsistent with this Charter for the organization, conduct and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition. It may further provide by ordinance or resolution for the assignment and reassignment of functions, duties, offices and agencies to offices and departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees, consistent with this Charter.

Each department so created shall be headed by an officer as department head.

When the positions are not incompatible, the City Council may combine in one person the powers and duties of two or

more officers, provided, however, that the same person shall not hold the positions of City Treasurer and Director of Finance.

Section 703. City Attorney. Powers and Duties. To become and remain eligible for City Attorney the person appointed shall be an attorney at law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least three years prior to his appointment. The City Attorney shall have the power and may be required to:

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

(b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances and such state misdemeanors as the City has the power to prosecute, unless otherwise provided by the City Council.

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

(d) Attend all regular meetings of the City Council, unless excused, and give his advice or opinion orally or in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.

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

(f) Prepare any and all proposed ordinances and City Council resolutions and amendments thereto.

(g) Devote such time to the duties of his office as may be specified by the City Council.

(h) Perform such legal functions and duties incident to the execution of the foregoing powers as may be necessary.

(i) Surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

The City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of or may contract for any prosecutions, litigation or other legal matters or business.

Section 704. City Clerk. Powers and Duties. The City Clerk shall have the power and shall be required to:

(a) Attend all meetings of the City Council, unless excused, and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the City Council in records that shall bear appropriate title and be devoted to such purpose.

(b) Maintain separate records, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be

the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published or posted in accordance with this Charter.

(c) Maintain separate records of all written contracts and official bonds.

(d) Keep all books and records in his possession properly indexed and open to public inspection when not in actual use.

(e) Be the custodian of the seal of the City.

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

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

(h) Have charge of all City elections.

(i) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

Section 705. City Treasurer. Powers and Duties. The City Treasurer shall have the power and shall be required to:

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

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

(c) Pay out moneys on proper orders or warrants in the manner provided for in this Charter.

(d) Prepare and submit to the Director of Finance monthly written reports of all receipts, disbursements and fund balances, and shall file copies of such reports with the City Manager.

(e) Perform such other duties consistent with this Charter as may be required by ordinance or resolution of the City Council.

Section 706. Director of Finance. Powers and Duties. The Director of Finance shall have the power and shall be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager, and be head of the Finance Department of the City.

(b) Assist the City Manager in the preparation and execution of the budget.

(c) Establish and maintain a system of financial procedures, accounts and controls for the City government and each of its offices, departments and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government; with the advise of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges; and draw warrants upon the City Treasurer for all claims and demands audited and approved as in this Charter provided specifying the purpose for which drawn and the fund from which payment is to be made.

(e) See that all taxes, assessments, license fees and other revenues of the City, or for the collection of which the City is responsible, and all other money receivable by the City from the County, State or Federal Government, or from any court, office, department or agency of the City are collected.

(f) Submit to the City Council through the City Manager a monthly statement of all revenues and expenditures in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.

(g) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

(h) Perform such other duties consistent with this Charter as may be required.

Section 707. Administering Oaths. Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Section 708. Illegal Contract, Financial Interest. No member of the City Council shall have a financial interest, directly or indirectly, in any contract, sale or transaction to which the City is a party and neither shall any officer or employee, or member of any board or commission, have an interest in any contract, sale or transaction to which the City is a party and which comes before said officer or employee, or member of any board or commission, or the department or office of the City with which he is connected, for official action.

Any such contract or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, City official or employee, or member of any board or commission, shall be deemed to have a financial interest, within the meaning of the foregoing provisions, in any contract made with a corporation by reason of the ownership of stock in such corporation unless said stock owned by him shall amount to at least three per cent of all the stock of such corporation issued and outstanding. No City Councilman or member of any board or commission shall vote on or participate in any contract or transaction in which he has directly or indirectly a financial interest whether as a stockholder of the corporation or otherwise. If any officer or employee, or member of any board or commission, during the term for which he was elected or appointed, shall so vote or participate, or shall have a financial interest as aforesaid, upon conviction thereof, he shall forfeit his office.

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

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

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

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, his superior officer or other officer or employee, or the bond of the latter, unless such superior officer, or other officer or employee is a party to, or has conspired in, the wrongful act causing directly or indirectly such loss.

Article VIII Board of Education

Section 800. State Law Governs. The manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, their

qualifications, compensation and removal and the number which shall constitute any one of such boards shall be as now or hereafter prescribed by the Education Code of the State of California.

Section 801. Effect of Charter on District. The adoption of this Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence or boundaries of any present school district within the City or of which the City comprises a part, but each such present school district shall continue in existence subject to the provisions of the laws of the State of California as the same now exist or hereafter may exist.

Section 802 Effect of Charter on Board. The members of the Boards of Education in office on the effective date of this Charter shall continue as such and their terms shall not be affected hereby

Article IX Appointive Boards and Commissions

Section 900. In General. There shall be the following named advisory boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 901. Appropriations. The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

Section 902. Appointments. Terms. The members of each of the boards or commissions hereinafter named in this Article shall be appointed by the City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government They shall be subject to removal by motion of the City Council adopted by the affirmative votes of a majority of the total membership thereof. The members thereof shall serve for terms of four years and until their respective successors are appointed and qualified The terms shall be staggered so that the number of terms on any such board or commission expiring in any year shall not differ by more than one from the number of terms expiring in any other year. Such terms shall expire on June thirtieth of the appropriate year. A vacancy occurring before the expiration of a term shall be filled by appointment for the remainder of the unexpired term.

Section 903. Existing Boards. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. If the membership of any board or commission is reduced by this Charter, the members to be

eliminated shall be determined by the City Council. The terms of the members of any existing board or commission shall be adjusted, if necessary, to comply with the provisions of this Charter.

Section 904. Meetings. Chairman. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of the board or commission. All meetings of said boards and commissions shall be open to the public and all persons shall be permitted to attend such meetings, except that the provisions of this sentence shall not apply to executive sessions to consider the appointment, employment, discipline or dismissal of a public officer or employee or to hear complaints or charges against any such officer or employee.

The City manager shall designate a secretary for each of such boards and commissions who need not be a member of such board or commission, and who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations, which shall be consistent with this Charter and shall be subject to the approval of the City Council. Copies of such rules shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

Section 905. Oaths. Affirmations. Each member of any such board or commission, and the secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceedings pending before such board or commission.

Section 906. Planning Commission. Powers and Duties. There shall be a Planning Commission consisting of seven members. The Planning Commission shall have the power and be required to:

(a) Recommend to the City Council after a public hearing thereon, the adoption, amendment or repeal of a General Plan, or any part thereof, for guidance in the physical development of the City.

(b) Exercise such functions with respect to land subdivisions as shall be provided by ordinance not inconsistent with the provisions of this Charter.

(c) Exercise such functions with respect to zoning, building, land use and related matters as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

(d) Perform such other functions not inconsistent with this Charter as may be delegated to it by the City Council.

Section 907. Park and Recreation Commission. Powers and Duties. There shall be a Park and Recreation Commission consisting of seven members. The Park and Recreation Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks and recreation.

(b) Consider the annual budget for park and recreation purposes during the process of its preparation and make recom-

mendations with respect thereto to the City Council and the City Manager.

(c) Advise in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(d) Recommend policies for the acquisition, development and improvement of parks and playgrounds and for the planting, care and removal of trees and shrubs in all parks and playgrounds, subject to the rights and powers of the City Council.

(e) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Section 908. Library Board. Powers and Duties. There shall be a Library Board consisting of five members which shall have the power and duty to:

(a) Make recommendations to the City Council for the operation and conduct of City libraries.

(b) Recommend to the City Council rules and regulations and by-laws for the administration and protection of City libraries.

(c) Recommend to the City Council and duties and qualifications of the librarian and other officers and employees of the libraries.

(d) Make recommendations concerning the acquisition of books, journals, reports, maps, publications and other personal property.

(e) Make recommendations concerning the purchase or lease of real property and the rental or provision for adequate buildings or rooms for library purposes.

(f) Make recommendations concerning the borrowing of library materials from and lending library materials to and exchanging library materials with other libraries subject to any costs and expenses approved by the City Council.

(g) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(h) Within sixty days after the close of each fiscal year, report to the City Council on the condition of the libraries for the proceding fiscal year and on such other matters deemed expedient by the Library Board.

(i) Exercise such other functions not inconsistent with this Charter as may be prescribed by ordinance.

Article X Personnel System

Section 1000. System to be Established. The City Council shall by ordinance establish a personnel system for the selection, employment, classification, advancement, demotion, suspension and discharge of those appointive officers and employees who shall be included in the system. The system may

consist of the establishment of minimum standards of employment and qualifications for the various classes of employment, or of a comprehensive system, as the City Council shall determine to be for the best interest of the public service. The ordinance shall designate the departments and the appointive officers and employees who shall be included within the system. By subsequent ordinances the City Council may amend the system or the list of departments and appointive officers and employees included within the system. The system shall comply with all other provisions of this Charter.

Article XI Retirement

Section 1100. State System. Authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the State Employees' Retirement Act, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the State Employees' Retirement System. The City Council may terminate any contract with the Board of Administration of the State Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City voting on such proposition at an election at which such proposal is presented.

Article XII Fiscal Administration

Section 1200. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Section 1201. Annual Budget. Preparation by the City Manager. At such date as the City Manager shall determine, each board or commission and each department head shall furnish to the City Manager, personally, or through the Director of Finance, estimates of revenue and expenditures for his department or for such board or commission for the ensuing fiscal year, detailed in such manner as may be prescribed by the City Manager. In preparing the proposed budget, the City Manager shall review the estimates, hold conferences thereon with the respective department heads, boards or commissions as necessary, and may revise the estimates as he may deem advisable.

Section 1202. Budget. Submission to City Council. At least thirty days prior to the beginning of each fiscal year, the City Manager shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least

one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1203. Budget. Public Hearing. At the time so advertised or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given such opportunity.

Section 1204. Budget. Further Consideration and Adoption. At the conclusion of the public hearing the City Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least a majority of the total members of the Council. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. Copies thereof, certified by the City Clerk, shall be filed with the City Manager, Director of Finance, City Treasurer, and the person retained by the City Council to perform the post audit function, and a further copy shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and of departments, offices and agencies of the City.

Section 1205. Budget. Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices and agencies for the respective objects and purposes therein named, provided, however, that the City Manager may transfer funds from one object or purpose to another within the same department, office or agency. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any public meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least a majority of the total members of the City Council.

Section 1206. Centralized Purchasing. Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City departments and agencies, except as otherwise in this Charter provided. The City Manager shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, storing, and distribution of all supplies, materials and equipment required by any office, department or agency of the City government.

Section 1207. Tax Limits.

(a) The City Council shall not levy a property tax for municipal purposes, in excess of One Dollar annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this Section, un-

less authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the electors. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the same time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes not subject to the above limitation, if no other provision for payment thereof is made,:

1. A tax sufficient to meet all liabilities of the City of principal and interest of all bonds and judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City under the State Employees' Retirement System, the Federal Insurance Contributions Act, or other plan, for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

(c) Special levies, in addition to the above and not subject to the above limitation, may be made annually, based on City Council approved estimates, for the following specific purposes, but not to exceed the following respective limits for those purposes for which limits are herein set forth, to-wit: parks and recreation not to exceed $0.30 per One Hundred Dollars; libraries not to exceed $0 30 per One Hundred Dollars; advertising, music and promotion not to exceed $0.05 per One Hundred Dollars; and civil defense and disaster preparedness not to exceed $0.05 per One Hundred Dollars. The proceeds of any such special levy shall be used for no other purpose than that specified

Section 1208. Tax Procedure. The procedure for the assessment, levy and collection of taxes upon property, taxable for municipal purposes, shall be prescribed by ordinance of the City Council.

If the City Council fails to fix the rate and levy taxes on or before August 31 in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Section 1209. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Section 1210. Revenue Bonds. Bonds which are payable only out of such revenues as may be specified in such bonds may be issued when the City Council by ordinance shall have established a procedure for the issuance of such bonds. Such bonds, payable only out of revenues, shall not constitute an indebtedness or general obligation of the City. No such bonds payable out of revenues shall be issued without the assent of a majority of the voters voting upon the proposition for issuing the same at an election at which such proposition shall have been duly submitted to the qualified electors of the City.

It shall be competent for the City to make contracts and covenants for the benefit of the holders of any such bonds payable only from revenues and which shall not constitute a general obligation of the City for the establishment of a fund or funds, for the maintaining of adequate rates or charges, for restrictions upon further indebtedness payable out of the same fund or revenues, for restrictions upon transfer out of such fund, and other appropriate covenants. Money placed in any such special fund for the payment of principal and/or interest on any issue of such bonds or to assure the application thereof to a specific purpose shall not be expended for any other purpose whatever except for the purpose for which such special fund was established and shall be deemed segregated from all other funds of the City and reserved exclusively for the purpose for which such special fund was established until the purpose of its establishment shall have been fully accomplished

Section 1211. Contracts on Public Works. Except as hereinafter expressly provided, every contract involving an expenditure of more than Two Thousand Five Hundred Dollars ($2,500 00) for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Two Thousand Five Hundred Dollars ($2,500.00), shall be let to the lowest and best responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time for opening bids.

The City Council may reject any and all bids presented and may readvertise in its discretion. After rejecting bids, or if no bids are received, or without advertising for bids if the total amount of the contract or project is less than Five Thousand Dollars ($5,000.00), the City Council may declare and determine that in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by the affirmative votes of a majority of the total members of the City Council, it may proceed to have said work done or such materials or supplies purchased

in the manner stated without further observance of the provisions of this Section. Such contracts may be let and such purchases made without advertising for bids if such work or the purchase of such materials or supplies shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by the affirmative votes of at least two-thirds of the total members of the City Council.

Projects for the extension, replacement or expansion of the transmission or distribution system of any existing public utility operated by the City or for the purchase of supplies or equipment for any such project or any such utility may be excepted from the requirements of this Section by the affirmative vote of a majority of the total members of the City Council.

Section 1212. Cash Basis Fund. The City Council may maintain a revolving fund, to be known as the "Cash Basis Fund", for the purpose of placing the payment of the running expenses of the City on a cash basis. A balance may be built up in this fund from any available sources in an amount which the City Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of sufficient revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis. All money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Section 1213. Capital Outlays Fund. A fund for capital outlays generally is hereby created, to be known as the "Capital Outlays Fund" and to be a continuation of any existing Capital Outlays Fund. The City Council may create by ordinance a special fund or funds for a special capital outlay purpose. The City Council may levy and collect taxes for capital outlays and may include in the annual tax levy a levy for such purposes in which event it must apportion and appropriate to any such fund or funds the moneys derived from such levy. It may not, in making such levy, exceed the maximum tax rate provided for in this Charter, unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any election at which such question is submitted. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purpose for which it was created; if for capital outlays generally, then for any such purposes, and if for a special capital outlay, then for such purpose only, unless the use of such fund for some other capital outlay purpose is authorized by the affirmative votes of a majority of the electors voting on such proposition at a general or special election at which such proposition is submitted.

If the purpose for which any special capital outlay fund has been created has been accomplished, the City Council may transfer any unexpended and unencumbered surplus remaining in such fund to the fund for capital outlays generally, established by this Charter.

Section 1214. Treasurer's Departmental Trust Fund. The City Council may prescribe by ordinance for the setting up of a Treasurer's Departmental Trust Fund into which the collections of or deposits with the police department, license collector, building official and other officers and departments authorized to make collections or receive deposits may be deposited at frequent intervals each month, with advice of each deposit being furnished to the City Treasurer and Director of Finance. The City Treasurer shall make withdrawals from such a fund only on order signed by the Director of Finance and for the following purposes:

(a) Making a refund of bail, which has been exonerated, or other refundable deposits

(b) Revolving fund advances authorized by the City Council

(c) Correction of clerical or ministerial errors in the receipt of payments to the City.

(d) Making settlements with City funds at the end of each calendar month for collections or deposits accumulated during the month.

Section 1215. Other Funds. The City Council may establish by ordinance such other funds, not inconsistent with the provisions of this Charter, as it may consider appropriate or desirable

Section 1216. Claims and Demands. Presentation and Payment. Procedures prescribed by the State Legislature governing the presentation, consideration and enforcement of claims against chartered cities or against officers, agents and employees thereof shall apply to the presentation, consideration and enforcement of claims against the City.

In the absence of applicable procedures prescribed by the State Legislature, and to the extent that the same are not inconsistent therewith, the following provisions of this Section shall govern the presentation, processing and payment of all claims and demands against the City.

All claims for damages against the City must be presented in writing to the City Clerk within one hundred days after the occurrence, event or transaction from which the damages allegedly arose, and shall set forth in detail the name and address of the claimant, the time, date, place and circumstances of the occurrence and the extent of the injuries or damages sustained. All such claims shall be approved or rejected in writing by order of the City Council and the date thereof given.

All other demands against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director

of Finance within one hundred days after the last item of the account or claim accrued. The Director of Finance shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the City Treasurer therefor, payable out of the proper fund. Otherwise he shall reject it. Objections of the Director of Finance may be overruled by the City Council and the warrant ordered drawn The Director of Finance shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager before payment; otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the City Council which, after examining into the matter, shall approve or reject the demand in whole or in part.

Section 1217. Actions Against City. No suit shall be brought for money or damages against the City or any board, commission or officer thereof on any cause of action for which this Charter or the general law requires a claim to be presented, until a claim or demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within sixty days from the day the same is presented shall be deemed a rejection thereof.

Section 1218. Registering Warrants. Warrants on the City Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the City Council by resolution.

Section 1219. Independent Audit. The City Council shall employ at the beginning of each fiscal year, an independent certified public accountant who shall, at such time or times as may be specified by the City Council, at least annually, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, control, handle or disburse public funds and of all such other officers, employees or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Director of Finance, Treasurer, and City Attorney, respectively, and sufficient additional copies of the audit shall be placed on file

in the office of the City Clerk where they shall be available for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper.

Section 1220. Sale of Public Utility. No public utility now or hereafter owned or operated by the City shall be sold, leased or otherwise transferred or disposed of unless authorized by the affirmative votes of at least a majority of the total membership of the City Council and by the affirmative votes of at least two-thirds of the electors voting on such proposition at a general or special election at which such proposition is submitted.

Article XIII Elections

Section 1300. General Municipal Elections. General municipal elections for the election of officers, except members of the Board of Education, and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each even numbered year. The first such general municipal election shall be held on the second Tuesday in April, 1966

Section 1301. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Section 1302. Procedure for Holding Elections. All elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of municipal elections so far as the same are not in conflict with this Charter.

Section 1303. Initiative, Referendum and Recall. There are hereby reserved to the electors of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, governing the initiative and referendum and the recall of municipal officers, shall apply to the use thereof in the City so far as such provisions of the Elections Code are not in conflict with the provisions of this Charter.

Article XIV Franchises

Section 1400. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys or places for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the City for the transmitting or conveying of any such services elsewhere, may be required by ordinance to have a valid and

existing franchise therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, and to prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions of such grants, or the making thereof, all subject to the provisions of this Charter.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

Section 1401. Resolution of Intention. Notice and Public Hearing. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once, within fifteen days of the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty nor more than sixty days after the passage of said resolution.

At the time set for the hearing the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter it may by ordinance grant the franchise on the terms and conditions specified in the resolution of intention to grant the same, subject to the right of referendum of the people, or it may deny the same If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Section 1402. Terms of Franchise. Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed forty years.

A franchise grant may be indeterminate, that is to say, it may provide that it shall endure in full force and effect until the same shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Section 1403. Grant to be in Lieu of All Other Franchises. Any franchise granted by the City with respect to any given utility service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise, for the rendering of such utility service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment of all such franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ten days after the adoption of the ordinance granting the franchise, or any extension thereof granted by the City Council, and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory any and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory. No grant of any franchise may be transferred or assigned by the grantee except by consent in writing of the City Council and unless the transferee or assignees thereof shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and by this Charter.

Section 1404. Eminent Domain. No franchise grant shall in any way, or to any extent, impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility.

Section 1405. Duties of Grantees. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment.

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise.

(c) Indemnify and hold harmless the City and its officers and employees from any and all liability for damages proximately resulting from any operations under such franchise and provide such insurance as the City Council may require.

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or elevated transit facilities, or by the construction or improvement of any public property or facility, or if the public health, comfort, welfare, convenience, or safety so demands

(e) Pay to the City during the life of the franchise a percentage, to be specified in the grant, of the gross annual receipts of the grantee within the limits of the City, or such other compensation as the City Council may prescribe in the grant

Section 1406 Exercising Rights Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required, without possessing a valid and existing franchise therefor, shall be a misdemeanor and shall be punishable in the same manner as violations of this Charter are punishable and each day that such condition continues to exist shall constitute a separate violation.

Article XV Miscellaneous

Section 1500 Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

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

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

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

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

Section 1501. Violations. The violation of any provision of this Charter shall be a misdemeanor and shall be punishable upon conviction by a fine of not exceeding Five Hundred Dollars or by imprisonment for a term of not exceeding six months or by both such fine and imprisonment.

Section 1502. Validity. If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

In witness whereof, we have hereunto set our hands and hereto affixed the seal of said City of Anaheim this 25th day of November, 1964.

ODRA L. CHANDLER
Mayor of the City of Anaheim

(SEAL)

DENE M WILLIAMS
City Clerk of the City of Anaheim

WHEREAS, The proposed charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the Charter of the City of Anaheim, as presented to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, as the Charter of the City of Anaheim.

CHAPTER 9

Assembly Concurrent Resolution No 9—Approving a certain amendment to the Charter of the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, voted for and ratified by the electors of said city at a special municipal election held therein on the 3rd day of November, 1964

(Filed with Secretary of State January 21, 1965)

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the Charter of the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, as set out in the certificate of the mayor and of the city clerk of said city, as follows, to wit:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF SAN JOSE, CALIFORNIA

State of California
County of Santa Clara } ss.
City of San Jose

We, the undersigned, Joseph L. Pace, M.D., Mayor of the City of San Jose, State of California, and Francis L. Greiner, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two hundred four thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and (b) a city organized, existing and acting under a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the

Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at a municipal election held for that purpose on the 19th day of April, 1915, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 12th day of May, 1915 (Senate Concurrent Resolution No. 21, Chapter 49, Statutes 1915, p. 1869).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Jose, being the legislative body of said City, on its own motion, duly and regularly proposed and submitted to the qualified electors of said City of San Jose a certain proposal for the amendment of the Charter of said City to be voted upon by the said qualified electors at a certain special municipal election called for such purpose and held in said City on the third day of November, 1964, all as required by law, which said proposal was designated as "Charter Amendment—Proposition A".

That said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, on the eighteenth day of September, 1964, in the "San Jose News", a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That copies of said proposed charter amendment were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of said City in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of San Jose was published, printed and circulated in said City, on the twenty-first day of September, 1964, and on each day thereafter to and including the second day of November, 1964, all as required by Section 8 of Article XI of the Constitution of the State of California; that copies of said pamphlet containing said proposed charter amendment could be had upon application therefor at the office of the City Clerk of said City on and after the twenty-first day of September, 1964, to and including the third day of November, 1964, the date fixed for said election.

That said proposed charter amendment was submitted to the electors of said City for adoption and ratification at a special municipal election duly and regularly held in said City of San Jose on the third day of November, 1964, which said date was not less than forty, nor more than sixty, days after the completion of the advertising in the above-mentioned official paper of the proposed charter amendment aforesaid. That, in accordance with the provisions of the Elections Code of the State of California, the Council of the City of San

Jose had adopted, on August 24, 1964, a Resolution No. 26225 wherein it requested the Board of Supervisors of Santa Clara County, California, to order the consolidation of said special municipal election with the state-wide general election held in said county on November 3, 1964, and had authorized said Board of Supervisors to canvass the returns of said special municipal election; that said consolidation had been so ordered by said Board of Supervisors; and that said special municipal election was so consolidated with said state-wide general election held in said county on said date.

That at said special municipal election a majority of the qualified electors voting upon said proposed charter amendment voted in favor of it and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar of Voters of Santa Clara County, California, heretofore certified by him to the Board of Supervisors of Santa Clara County and to the City of San Jose, and the declaration of the Board of Supervisors of Santa Clara County which pursuant to law met on November 23, 1964, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said special municipal election as certified by the said Registrar of Voters.

That said amendment to the Charter of the City of San Jose, so adopted and ratified by the qualified electors of said City, amended said Charter by adopting and adding to Article XIV thereof a new section numbered 96a which reads as follows:

Charter Amendment—Proposition A

Public Parking Stations in Subsurface Space Under Parks, Plazas, and Squares

96a. Other provisions of this Charter to the contrary notwithstanding, whenever the Council of the City of San Jose find with respect to any public park, plaza, or square situate in that part of the City of San Jose bounded by the Guadalupe River on the west, St. James Street on the north, Third Street on the east, and San Carlos Street on the south that the construction, when completed, in the subsurface space thereunder of a public parking station (including all entrance and exit approaches, openings, and ramps, ventilators, elevator shafts, and other appurtenances to such parking station) and/or the operation in the subsurface space thereunder of a public parking station (including services incidental to such operation such as sale of gasoline, oil, and accessories, and lubrication and oiling of vehicles) will not be, in any material respect or degree, detrimental to public park, plaza, or square purposes, the City may, without submitting the matter to a vote of the people, construct and/or operate such public parking station in the subsurface space under such public park, plaza, or square, or said City Council may, without submitting the matter to a vote of the people, lease to the highest responsible

bidder for a term not to exceed fifty (50) years, and upon such other terms and conditions as it may determine, subsurface space under such public park, plaza, or square for the purpose of constructing and/or operating therein such public automobile parking station.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of San Jose to be affixed hereto this 2nd day of December, 1964.

(SEAL)

JOSEPH L. PACE, M.D.
Mayor of the City of San Jose
FRANCIS L. GREINER
City Clerk of the City of San Jose

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of San Jose as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the Charter of the said City of San Jose.

CHAPTER 10

Assembly Concurrent Resolution No. 11—Approving amendments to the Charter of the City of San Diego, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of the city at a special election held therein on the 3rd day of November, 1964.

(Filed with Secretary of State January 21, 1965.)

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

as set out in the certificate of the Mayor and City Clerk of the City of San Diego as follows:

State of California }
County of San Diego } ss.

We, the undersigned, Frank E. Curran, Mayor of The City of San Diego, and Phillip Acker, City Clerk of said City, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation, is now and since the year 1931 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8, Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion proposed to the qualified electors of The City of San Diego certain amendments to the Charter of the said City, which amendments were designated as Propositions L, M, N, O, P, R, S and T, and submitted said propositions to the qualified electors of The City of San Diego at the special municipal election held on November 3, 1964.

That said proposed charter amendments were published and advertised in the San Diego Union, a daily newspaper of general circulation published in the City of San Diego, and the official newspaper of said City, and in each edition thereof during the day of publication, to wit: September 16, 1964.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said City, and that until the date fixed for the election herein described, a notice was advertised and published in the San Diego Union, a daily newspaper of general circulation published in the City of San Diego, and the official newspaper of said City, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of The City of San Diego.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of said City until the date fixed for said election

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

That at said election on the said proposed amendments to the Charter of The City of San Diego, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Propositions P, R and S, and said proposed amendments were ratified by a majority of the qualified electors of said City voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI of

the Constitution of the State of California and the Charter of The City of San Diego and the laws of the State of California.

That as to the amendments to the Charter of The City of San Diego hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of The City of San Diego, which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION P

Amend Section 66, Article VI of the Charter of The City of San Diego to read as follows:

"Section 66 Board of Education. The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected at the regular municipal primary elections and the general municipal elections at the same time and under the same procedure as the election of councilmen Each candidate for the Board of Education shall have been a qualified [illegible] of the San Diego Unified School District at least three [illegible] preceding his election or appointment and shall [illegible] an actual resident of the election district from which [illegible] nominated for one year immediately preceding his election or appointment. The members shall serve for a term of four years, or until their successors are elected and qualified, except as herein provided. The present members of the Board shall serve out their unexpired terms. Any vacancy in the Board shall be filled by the Board of Education until the next municipal primary and general election, when a member shall be elected to fill the unexpired term. Each member shall receive a compensation of $1,200 00 per annum, which compensation shall be paid by the San Diego Unified School District

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in registered voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said resolution.

The term of office of one of the three members of the Board of Education elected at the general municipal election in 1963

shall be extended for two (2) additional years. Thereafter, the term of the office so extended shall be four (4) years. The member whose term will thus be extended shall be chosen by lot prior to April 1, 1965, at a drawing conducted by the City Clerk, held at a public meeting of the Board of Education."

PROPOSITION R

Repeal Section 224, Article XIV of the Charter of The City of San Diego as follows:

~~"Section 221. REPEAL OF INCONSISTENT ACTS. All Acts and parts of Acts of the laws of the State of California relating to The City of San Diego inconsistent herewith are hereby repealed as far as they apply to the said city."~~

PROPOSITION S

Repeal Section 109, Article VII of the Charter of The City of San Diego as follows:

~~"Section 109. ACCOUNTS OF MUNICIPALLY OWNED UTILITIES. Accounts shall be kept for each public utility owned or operated by the City distinct from other City accounts and in accordance with the uniform classification of accounts, prescribed by the Railroad Commission of the State of California for such class of public utility. in so far as the same may be applicable to the accounts of municipally owned utilities. They shall show as nearly as possible the cost of any service furnished to or rendered by any such public utility by or to any other department of the City. They shall also show an estimate of the amount of ad valorem taxes, whether paid or not, that would be chargeable against the property if privately owned. There shall also be shown in such accounts the sinking fund or redemption requirements for all bonds hitherto or hereafter issued to obtain funds for the construction of the property of such public utility. The accounts shall show a proper allowance for depreciation on all property used in rendering utility service, and such depreciation shall be taken account of in fixing the charges made for service rendered by such utility. The purpose of such accounts shall be to show as nearly as may be the cost of rendering the service provided by such municipally owned utility. The Council may cause to be made and reproduced for public distribution reports showing the financial results of such City ownership and operation or such other information as the Council shall deem expedient."~~

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of San Diego with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said The City of San Diego to be affixed hereto this 30th day of December, 1964.

(SEAL)

FRANK E. CURRAN
Mayor of The City of
San Diego, California
PHILLIP ACKER
City Clerk of The City of
San Diego, California

and

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of San Diego, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of said the City of San Diego.

CHAPTER 11

Assembly Concurrent Resolution No. 5—Relative to the observance of the centennial of Appomattox.

[Filed with Secretary of State January 25, 1965]

WHEREAS, April 9, 1965, will mark the 100th anniversary of the formal termination of hostilities at Appomattox, Virginia, in connection with the great American Civil War, 1861–1865; and

WHEREAS, In a nation now happily reunited, the wounds and ravages of the War between the States have been overcome and today all sections of the United States of America comprise one united people and country; and

WHEREAS, The people of the United States, including those within the State of California, and particularly the younger generation of our citizens, should be reminded of the effect and importance of the reunification of our nation, beginning at Appomattox, where on Palm Sunday, April 9, 1865, General Ulysses S. Grant clasped the open hand of General Robert E. Lee and the conflict was ended; and

WHEREAS, California was a state divided in interest and sympathy during the Civil War and Californians were to be found in the ranks of each of the Union forces and of the Confederate forces; and

WHEREAS, The California Civil War Centennial Commission is dedicated to the commemoration of the centennial in California of the great War between the States and related events and the commission has endorsed the observance of the centenary of the signing of the articles at Appomattox by the two great commanders; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor of the State of California is respectfully urged to proclaim Friday, April 9, 1965, as Appomattox Centennial Day; and be it further

Resolved, That the Governor of the State of California is respectfully requested to proclaim the week of April 4, 1965, as Appomattox Centennial Week for fitting attention in the schools, homes, churches, and public assemblages in California; and be it further

Resolved, That within the Assembly Chamber on April 9, 1965, at a suitable and convenient time to be designated by the Speaker or other officer of the Assembly, public exercises shall be held under the auspices of the California Civil War Centennial Commission in honor and commemoration of the occasion of the cessation of hostilities at Appomattox; and be it further

Resolved, That the California State Board of Education is urged to take appropriate recognition of April 9, 1965, sufficiently in advance of that date, to the end that all educational leaders, officials, teachers and pupils may become increasingly aware of the lasting significance of the great events reaching a climax at Appomattox 100 years ago; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Honorable Edmund G. Brown, Governor of the State of California, the President and the Vice President, respectively, of the United States of America, each Senator and Representative from California in the Congress of the United States, the Chairman of the California Civil War Centennial Commission, the Executive Director of the United States Civil War Centennial Commission, the Superintendent of Public Instruction and Director of the Department of Education, the President of the Conference of California Historical Societies, and the chairman of each county board of supervisors within this state.

CHAPTER 12

Assembly Concurrent Resolution No. 14—Relative to the election of the Honorable Gustavo Díaz Ordaz as President of Mexico.

[Filed with Secretary of State January 25, 1965.]

WHEREAS, The Honorable Gustavo Díaz Ordaz has recently been elected President of Mexico; and

WHEREAS, He has long been a dedicated public official, having served as a Senator from his native State of Puebla, and as Secretary of the Interior in the Cabinet of outgoing President Adolfo López Mateos; and

WHEREAS, His statesmanship and experience well qualify him for the presidency of Mexico; and

WHEREAS, He has often expressed his ideas on freedom and democracy in eloquent phrases such as: "In Mexico we enjoy every liberty but one—the liberty to destroy others' liberties"; and

WHEREAS, The people of the State of California have long had good relations with their Mexican neighbors; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature expresses warm regards and congratulations to the Honorable Gustavo Díaz Ordaz on being elected President of Mexico and wishes him good fortune on his new endeavor in the service of his country; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a suitably prepared copy of this resolution to President Díaz Ordaz.

CHAPTER 13

Senate Concurrent Resolution No. 5—Approving certain amendments to the Charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on November 3, 1964.

[Filed with Secretary of State January 25, 1965]

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic, and a political subdivision of the State of California, and is now and has been, since the first day of July 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The Board of Supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did by resolution and order adopted on September 8, 1964, duly propose to the qualified electors of said County of San Diego, amendments to the charter of said county, designated on the ballot as County Propositions A, B, C, D and E, and ordered that said amendments be sub-

mitted to said qualified electors of said county at a general election to be held in said county on November 3, 1964, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed amendments to the Charter of the County of San Diego were published for ten times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, said proposed amendments designated on the ballot as County Propositions A, B, C and E being published on September 23, 24, 25, 26, 27, 28, 29, 30, October 1, and 2, 1964, and said proposed amendment designated on the ballot as County Proposition D being published on September 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, 1964; and

WHEREAS, Said general election was held in said County of San Diego on November 3, 1964, which said day was not less than 30 days and not more than 60 days after said proposed amendments to said charter had been published for ten times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on November 3, 1964, at which said election said proposals were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on November 24, 1964, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said general election held on November 3, 1964, said proposed amendments to the Charter of the County of San Diego were ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of said County of San Diego are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and are in words and figures as follows, to wit:

COUNTY PROPOSITION A

Proposed Amendment to the Charter of the County of San Diego

That Sections 51 and 52 of said charter be amended to read:

Section 51: There shall be established a County Medical Institutions Commission consisting of seven (7) members, appointed in the following manner: two (2) members shall be appointed by the San Diego County Medical Society, subject

to the approval of the Board of Supervisors; two (2) members shall be appointed by the Board of Supervisors, subject to the approval of the San Diego County Medical Society; one (1) member shall be a County Supervisor appointed by the Board of Supervisors; one (1) member shall be the executive head of the county agency administering welfare; and these six (6) members shall appoint a seventh and remaining member by a majority vote; all members except the County Supervisor and the executive head of the county agency administering welfare shall serve without compensation and all shall hold office at the pleasure of the appointing power.

The County Medical Institutions Commission shall act in an advisory capacity to the Board of Supervisors in matters pertaining to the operation of the County Hospital, Edgemoor Geriatric Hospital and other medical institutions and services, and it shall be their duty to appoint the medical staff of the said institutions, including in such staff a superintendent and all medical professional assistants, internes and nurses, all of which appointments shall be subject to confirmation and approval by the Board of Supervisors. It shall also be the duty of said commission to investigate the status and eligibility of all applicants for treatment by or admission to any of the said institutions.

Section 52: The County Medical Institutions Commission may make and provide all necessary rules and regulations not inconsistent with general law and this Charter pertaining to the conduct of the medical institutions of the County, and such rules and regulations shall, when approved by the Board of Supervisors, be set forth in the Administrative Code.

COUNTY PROPOSITION B

Proposed Amendment to the Charter of the County of San Diego

That Section 42 of said charter be amended to read:

Section 42: The Civil Service Commission shall provide in its rules, subject to the approval of the Board of Supervisors, for the regulation and accumulation of vacation for officers and employees in the classified service of the County. The Board of Supervisors shall provide similar vacation benefits for officers, other than elective officers, and employees in the unclassified service of the County.

COUNTY PROPOSITION C

Proposed Amendment to the Charter of the County of San Diego

That Sections 77 and 86 of said charter be amended to read:

Section 77: The Commission shall elect one of its members President and shall provide in its rules for regular meetings

to be held not less frequently than monthly. The Commission shall appoint a Director of Personnel who shall appoint such other employees as are authorized. All such personnel shall be in the classified service. The Director of Personnel shall act as Secretary of the Commission and Chief Examiner.

Section 86: Any officer or employee in the classified civil service may be removed, suspended or reduced in rank or compensation by the appointing authority, after appointment and after the probationary period has been served, by an order in writing stating specifically the reasons therefor. Said order shall be filed with the Civil Service Commission and a copy thereof shall be furnished to the person to be removed, suspended or reduced. Such employee may reply in writing to said order within ten days from the date of filing said order with the Civil Service Commission. Any person removed, suspended or reduced in rank or compensation may, within five days after presentation to him of the order of removal, suspension or reduction as hereinbefore provided, appeal to the Civil Service Commission from such order. The Commission shall, within two weeks from the filing of said appeal, commence the hearing thereof, and shall, without delay, fully hear and determine the matter, and either affirm, modify or revoke such order; provided, however, the Commission, in its discretion, may appoint one of its members or a hearing board or officer to hear the appeal and submit findings and a proposed decision to the Commission. The Commission shall review the findings and the proposed decision before taking final action in the matter. The appellant shall be entitled to appear personally, produce evidence, and to have counsel and a public hearing. The finding and decision of the Commission shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him. Any citizen of the county may likewise file charges against any employee or officer in the classified service, in the manner hereinbefore set forth, and the same procedure shall be followed by the Commission.

County Proposition D

Proposed Amendment to the Charter of the County of San Diego

That Section 66 of said charter be amended to read:

Section 66: No elective or appointive officer or employee of the County of San Diego, whether employed in the classified or unclassified service, shall

a. Directly or indirectly, use, promise, threaten or attempt to use any official influence in aid of any partisan political activity, or to affect the result of any election to partisan or political office, or upon any other corrupt condition or consideration;

b. Solicit or knowingly receive from any other officer or employee of the County of San Diego any political assessment, subscription or contribution;

c. Engage in any political activity while in the uniform prescribed for any officer or employee of the County of San Diego or during any hours in which he has been directed to perform his assigned duties;

d. Become a candidate or accept the nomination for the office of any officer in whose department he is employed, or who is his appointing authority or a member of a board acting as his appointing authority without first resigning his position.

That Section 87 of said charter reading as follows be repealed:

Section 87: No officer or employee in the classified service of the County shall directly or indirectly make, solicit or receive, or be in any manner concerned in making, soliciting or receiving any assessment, subscription, or contribution for or on behalf of any candidate for County office. No person holding a position in the classified service of the County shall circulate petitions for or on behalf of any candidate for County office, nor act as an officer or active member of any campaign committee or organization for the purpose of promoting the election of any County officer. Any person in the classified service who shall be a candidate for or accept the nomination for any County office shall first resign his position, provided, however, that the name of such person shall remain upon the eligible list. Any officer or employee violating the provisions of this section shall be removed from the classified service.

County Proposition E

Proposed Amendment to the Charter of the County of San Diego

That Section 94 of said charter be amended to read:

Section 94: There is hereby created the Department of Education which shall be administered by a County Board of Education consisting of five members. For the purpose of electing members of the County Board of Education the County of San Diego is divided into five districts the boundaries of which are those described by this section when it originally became effective on January 1, 1948.

From time to time the County Board of Education by resolution may, subject to the approval of the Board of Supervisors, change the boundaries of said districts No change of boundaries (1) shall be made between February 1 and December 1 of any even numbered year; (2) shall affect the term of office of any incumbent member; (3) shall take effect until a certified copy of the resolution of the County Board of Education has been filed with and approved by the Board of Supervisors.

State of California }
County of San Diego } ss.

We, the undersigned, Robert C. Dent, Chairman of the Board of Supervisors of the County of San Diego, State of California, and R. B. James, County Clerk of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of San Diego, submitted to the electors of said county at a general election held in said county on November 3, 1964, have been compared by us, and each of us, with the proposed amendments set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

In witness whereof we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of San Diego this 18th day of December, 1964.

ROBERT C. DENT
(SEAL) Chairman of the Board of Supervisors of the County of San Diego, State of California
R. B. JAMES
County Clerk of the County of San Diego, State of California

Attest:
R. B. JAMES
County Clerk of the County of San Diego, State of California

Attest:
HELEN KLECKNER
Clerk of the Board of Supervisors (SEAL)

WHEREAS, Said proposed amendments to the Charter of the County of San Diego, ratified by a majority of the electors voting thereon at said general election held on November 3, 1964, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the Charter of the County of San Diego, as proposed by the Board of Supervisors

of said County of San Diego and as ratified by the electors of the said County of San Diego, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the Charter of the County of San Diego.

CHAPTER 14

Senate Concurrent Resolution No. 6—Approving a certain amendment to the Charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on June 2, 1964.

[Filed with Secretary of State January 25, 1965]

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic, and a political subdivision of the State of California, and is now and has been, since the first day of July 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The Board of Supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did by resolution and order adopted on April 14, 1964, duly propose to the qualified electors of said County of San Diego, an amendment to the charter of said county, designated on the ballot as County Proposition A, and ordered that said amendment be submitted to said qualified electors of said county at a general election to be held in said county on June 2, 1964, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed amendment to the Charter of the County of San Diego was published for ten times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, on April 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, 1964; and

WHEREAS, Said general election was held in said County of San Diego on June 2, 1964, which said day was not less than 30 days and not more than 60 days after said proposed amendment to said charter had been published for ten times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on June 2, 1964, at which said election said proposal was duly submitted to the vote of the

qualified electors of said county, was made to and canvassed by the registrar of voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on June 24, 1964, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said general election held on June 2, 1964, said proposed amendment to the Charter of the County of San Diego was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendment so ratified by the electors of said County of San Diego is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and is in words and figures as follows, to wit:

COUNTY PROPOSITION A PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 76 of said charter be amended to read:

Section 76: There is hereby created the Department of Civil Service and Personnel, which shall be administered by a Civil Service Commission consisting of five members, each appointed by the Board of Supervisors, not more than four of whom shall be of the same sex, and each of whom shall have been a resident and elector of San Diego County for five years next preceding his (or her) appointment, and the name of each such Commissioner must appear upon the County Assessment Roll at the time of appointment. Each Commissioner shall serve for a term of six years commencing and ending at noon on the first Monday after the first day of January, except that the term of each Commissioner in office on the effective date of this amendment shall continue until its expiration as originally provided by this section, and within one month after said effective date the Board of Supervisors shall appoint two additional Commissioners, one for a term expiring at noon on the first Monday after the first day of January, 1968, and the other for a term expiring at noon on the first Monday after the first day of January, 1970.

Any vacancy in the office of Commissioner shall be filled by the Board of Supervisors for the unexpired term. Each Commissioner shall serve until his successor is duly appointed and shall have qualified. No Commissioner shall hold any other salaried or nonsalaried public office, whether appointive or elective, and is hereby disqualified from election to, or appointment by the Board of Supervisors, to any office provided for by this Charter or hereafter established by the Board of Supervisors during the time he shall serve as such Commissioner, and for one year thereafter.

The Board of Supervisors may, by a four-fifths vote of all the members of the Board, remove any or all of said Commissioners during his or their terms in office but only upon stating in writing the reasons for such removal, said statement to be recorded in the Minutes of the Board of Supervisors and a copy served on the Commissioner or Commissioners, and allowing him or them an opportunity to be publicly heard in his or their defense.

State of California }
County of San Diego } ss

We, the undersigned, Robert C. Dent, Chairman of the Board of Supervisors of the County of San Diego, State of California, and R. B. James, County Clerk of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendment to the Charter of said County of San Diego, submitted to the electors of said county at a general election held in said county on June 2, 1964, have been compared by us, and each of us, with the proposed amendment set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

In witness whereof we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of San Diego this 18th day of December, 1964.

ROBERT C. DENT
Chairman of the Board of Supervisors of the County of San Diego, State of California

(SEAL)

R. B. JAMES
County Clerk of the County of San Diego, State of California

Attest:
R. B. JAMES
County Clerk of the County of San Diego, State of California

Attest:
HELEN KLECKNER
Clerk of the Board of Supervisors (SEAL)

WHEREAS, Said proposed amendment to the Charter of the County of San Diego, as ratified by a majority of the electors voting thereon at said general election held on June 2, 1964, has been submitted to the Legislature of the State of California

for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendment to the Charter of the County of San Diego, as proposed by the Board of Supervisors of said County of San Diego and as ratified by the electors of the said County of San Diego, and as hereinbefore set forth, be, and the same is hereby approved as a whole, without amendment or alteration, as an amendment to, and as part of, the Charter of the County of San Diego.

CHAPTER 15

Senate Concurrent Resolution No. 15—Relative to commending James Alan Guthrie.

[Filed with Secretary of State January 25, 1965.]

WHEREAS, Mr. James Alan Guthrie, during the month of January 1965, completes 60 years of continuous, active newspaper service in California, during which time he has served the San Bernardino Daily Sun in various editorial capacities ranging from reporter to editor and president; and

WHEREAS, During this span of more than half a century, under the direction of Mr. James Alan Guthrie, and earlier under the guidance of his illustrious predecessor, Mr. Robert Cleland Harbison, the San Bernardino Daily Sun has grown from a community newspaper in a town of under 10,000 inhabitants to a position of prominence in the western United States published in a metropolitan area of upwards of 600,000 residents; and

WHEREAS, During this unusually long span of active leadership, this newspaper has absorbed several journals, and for 40 years has offered both morning and evening editions under the currently accepted name of The Sun-Telegram; and

WHEREAS, This phenomenal growth has been achieved under editorial direction faithfully adhering to the ideals and virtues of the American way of life, and the principles of free government so firmly implanted in the heart of this native California publisher; and

WHEREAS, In addition to his outstanding newspaper career, Mr. James Alan Guthrie has never hesitated to give of his personal services to the advancement of industry, agriculture and growth of his community, county and state; and

WHEREAS, The University of Redlands at Redlands, California, in recognition of Mr. James A. Guthrie's vital interest in and valuable contributions to the cause of higher education,

has seen fit to confer upon him the honorary degree of doctor of humane letters; and

WHEREAS, Since September 14, 1943, James Alan Guthrie has served continuously as a member of the California Highway Commission under appointment of three governors of the State of California, this service being of major importance in producing for the state a modern, safe highway network planned to keep pace with the rapidly expanding population and economy of the Pacific Coast; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California, on behalf of the people of the state, deems it fitting and proper to commend James Alan Guthrie on his long and valued services to the public, his courageous espousal of those causes he believed to be right, and on the high plane of moral and spiritual values adhered to by the newspaper of which he is editor and president; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to James Alan Guthrie as a token of the good wishes and esteem of the California Legislature.

CHAPTER 16

Senate Concurrent Resolution No 10—Approving amendments to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified electors of the city at a general election held therein on the 3rd day of November, 1964.

[Filed with Secretary of State January 27, 1965]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as set out in the Certificate of the Mayor and City Clerk of the City of Napa as follows:

State of California }
County of Napa } ss.
City of Napa }

CERTIFICATE OF RATIFICATION OF EIGHT AMENDMENTS TO THE CHARTER OF THE CITY OF NAPA

We, the undersigned, Ralph Trower, Mayor of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times

herein mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December, 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council, on August 17, 1964, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa eight proposed amendments to the Charter of said City of Napa, said charter amendments being designated as Proposed Charter Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7 and No. 8, filed in the office of the Clerk of said City of Napa on said August 17, 1964 and further ordered that said charter amendments should be submitted to and voted upon by the qualified voters of said City at a Consolidated General Election called and held for that purpose in said City on the 3rd day of November, 1964.

That said proposed charter amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 17th day of September, 1964, in the "Napa Register", a newspaper of general circulation printed and published in said City of Napa, and in all the editions thereof issued during said day of publication.

That said Consolidated General Election was held in said City of Napa on November 3, 1964, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendments designated as Proposed Charter Amendments No. 1, No. 2, No. 3, No. 4, No. 5, No. 6, No. 7 and No. 8, and that the Napa County Board of Supervisors, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said election to be that a majority of the qualified voters of said city voting on said proposed charter amendments had voted for and ratified said amendments, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That said amendments to the Charter of the City of Napa, so ratified by the electors of said City of Napa, are in words and figures as fully set forth on the attached exhibit marked Exhibit "A" and made a part hereof.

That we have compared the foregoing amendments with the original proposals submitted to the electors of said City of Napa and find that the foregoing are full, true, correct and

exact copies thereof, and we further certify that the facts set forth in the preamble of this Certificate preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 11th day of December, 1964.

(SEAL)

RALPH TROWER
Mayor of the City of Napa
State of California
ALLEN R. THORPE
City Clerk of the City of Napa
State of California

EXHIBIT "A"

Charter Amendment No. 1. That Section 12 of the Charter of the City of Napa be amended to read as follows:

Vacancies in elective offices, how filled.

Section 12. In case of a vacancy in any elective office, however created, the same shall be filled by appointment made by a majority vote of the remaining members of the City Council within forty-five days from the date of such vacancy. In the event such an appointment is not so made within said forty-five days, the City Council shall immediately call a special election to fill such vacancy or vacancies in the same manner as election of elective officers at a regular municipal election; provided, however, that such special election to fill vacancies need not be called if a General Municipal Election is scheduled within one-hundred eighty days from the date of such vacancy or vacancies, nor shall such special election be held within sixty days prior to a State-wide election unless consolidated with it, nor shall such special election be held within sixty days after such State-wide election.

City Council appointees to fill such vacancy or vacancies shall hold office until the first Monday in June following the next General Municipal Election, at which election a person or persons shall be elected to serve for the remainder of said unexpired term, or for a new term if the term of the vacated seat has expired.

Charter Amendment No. 2. That Section 14 of the Charter of the City of Napa be amended to read as follows:

Official bonds.

Section 14. All officers, except the Mayor, Councilmen and City Attorney, shall give bonds for the faithful performance of their duties, payable to the City of Napa, to be approved by the City Council, in such penal sum as shall have been prescribed by ordinance. If at any time, in the opinion of the

City Council, for any cause, such bonds shall become insufficient, it may require a new or additional bond to be given. The premium or charge for bonds given by surety companies for such officers shall be paid by the City.

Charter Amendment No. 3. That Section 18 of the Charter of the City of Napa pertaining to the first election after adoption of the Charter be repealed.

All sections of the Charter, or parts thereof, in conflict with the repeal of this Section are repealed.

Charter Amendment No 4. That Section 59A be added to the Charter of the City of Napa to read as follows:

Vice-Mayor.

Section 59A. At the first regular meeting of the City Council in June following the election of a Mayor, or within not more than thirty days thereafter, or within not more than thirty days from and after the effective date of this Charter Amendment, the City Council shall appoint a Vice-Mayor from the duly qualified Councilmen by a majority vote of said City Council.

In the event that the office of Vice-Mayor shall become vacant for any reason, then within not more than thirty days from and after the date of such vacancy, the City Council shall appoint a Vice-Mayor as hereinbefore provided.

In the event that no appointment of a Vice-Mayor is made by the City Council as aforesaid, the senior Council member shall become Vice-Mayor, based on the longest period of continuous Council service to the City of Napa. In the event that two or more Council members have the same period of continuous Council service, the Council member having received the largest number of votes at the time of his election shall be considered the senior Council member for the purpose of determining the right to become Vice-Mayor.

If by reason of absence from the City, sickness or any other cause, the Mayor is unable to perform the duties of his office, the Vice-Mayor shall act in his place and he shall have all the power and authority which the Mayor would have possessed if personally present to attend to such duties.

The Vice-Mayor shall be available to assist and perform such duties as may be requested at the pleasure of the Mayor.

In the event the position of Mayor becomes vacant, the Vice-Mayor shall serve as Mayor until the City Council appoints a Mayor or until the vacancy is filled by a vote of the electorate as set forth in Section 12 hereof. Such service by the Vice-Mayor as Mayor as herein provided shall not affect his elected tenure of office.

Charter Amendment No. 5. That Section 60 of the Charter of the City of Napa be amended to read as follows:

Meetings.

Section 60. On the first Monday in June following a General Municipal Election, the City Council shall meet at the usual place for holding its meetings, at which time any newly elected Mayor or Councilman shall assume the duties of his office. Thereafter the City Council shall meet at such times and places as may be prescribed by ordinance or resolution, except that it shall meet regularly at least once a month. The City Council shall prescribe the manner in which special meetings may be called.

At all meetings of the City Council a majority shall constitute a quorum to transact business; a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as the City Council previously by ordinance may have prescribed The Mayor shall preside at all meetings of the City Council and shall be entitled to vote upon all matters coming before the City Council.

Charter Amendment No. 6. That Section 92 of the Charter of the City of Napa be amended to read as follows:

Board of Equalization.

Section 92. The City Council shall meet at their usual place of holding meetings, on the first Monday in August of each year and sit as a Board of Equalization and shall continue in session from time to time on not less than three separate days. They shall have power to hear complaints and to correct, modify, strike out or to raise any assessment, provided that notice shall be given to the party whose assessment is to be raised.

Charter Amendment No. 7. That Section 101 of the Charter of the City of Napa be amended to read as follows:

Public works to be done by contract.

Section 101. In the erection, improvement or repair of all public buildings and works, in all street and sewer work, and in all work in and about streams or waterfronts, or, in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies or materials for the same when the expenditure required exceeds the sum prescribed by Section 37902 of the Government Code of the State of California applicable to Sixth Class Cities, or as amended, the same shall be done by contract and shall not be let to other than the lowest and best bidder as determined by the City Council after advertising for sealed proposals for the work contemplated, or supplies or materials required, for five

consecutive days in some newspaper printed and published in the City of Napa, or after posting notice inviting sealed proposals therefor for five days on or near the Council chamber door. Such notice shall distinctly and specifically state the work contemplated to be done or supplies or materials to be furnished; provided, however, the City Council may reject any and all bids, if deemed excessive, and re-advertise for bids or provide for the work to be done by the proper City department, or the supplies or materials to be purchased in the open market; but in no case shall such supplies be bought at a price as high as the lowest bid received from the responsible bidder. In case no bid is received, the City Council may likewise provide for the work to be done by the proper department or the supplies to be purchased in the open market.

Charter Amendment No. 8. That Section 76.1, Subsections C, I, J, L and N, of the Charter of the City of Napa be amended to read as follows:

C. Personnel Officer. The Board shall appoint a personnel officer other than the City Manager, his assistant or other chief administrative officers from an eligible list established from a competitive examination. The competitive examination may be advertised and conducted and weights given to parts thereof, as the Board shall determine. The salary of the Personnel Officer shall be set by the City Council upon recommendation of the Board. The Personnel Officer may be removed from office by the Board for cause, inefficiency or misconduct in the same manner and with the same safeguards as any other classified employee; provided, however, that the Personnel Officer has the right to appeal to the City Council. The decision of the City Council shall be final and conclusive. The Personnel Officer shall:

(1) Be the custodian of all personnel records and shall be the official upon or with whom all notices, requests for hearings, complaints and other official documents shall be served and filed.

(2) Attend all meetings of the Personnel Board.

(3) Administer all provisions of this Section and the rules established hereunder, not specifically reserved to the City Council or the Personnel Board.

(4) Under the direction of the Personnel Board, prepare rules and amendments thereof, for the consideration of said Personnel Board.

(5) Under the direction of the Personnel Board, prepare a position classification plan and class specifications, salary schedules and revisions thereof, for the consideration of said Personnel Board.

I. Powers of the City Council. The City Council shall retain such power as is vested in it by law subject to the provisions of this Section and the rules and regulations adopted by the Personnel Board and approved by the City Council. It is the intent and spirit of this Section to provide a fair and just approach to municipal employment in order that

City employees may be selected, appointed, transferred, promoted, demoted, reinstated or laid off on a merit basis and/or removed, dismissed, demoted, suspended, reprimanded or disciplined only upon signed written charges that are filed, heard or determined and a finding made as provided in this Section, but in no sense to impair the efficiency of the public service.

Any person in the competitive service shall be subject to suspension without pay by the City Council not to exceed thirty working days with right to appeal, resulting from signed written charges referred to the City Council as provided in Subsection J hereof. Further, as a means of imposing disciplinary punishment of infractions of a minor nature the City Council may direct the Personnel Board to prepare rules and regulations whereby the City Manager may suspend an employee under his supervision without pay for a period not to exceed five working days. An employee shall have the right to appeal under this particular subdivision of this Section.

J. Removal, Dismissal, Fine, Demotion, Supension, Reprimand or Otherwise Penalizing an Officer or Employee. Filing and Referral of Sign Written Charges Hearings and/or Investigations To Be Conducted. Exoneration of Charges. Certify Findings. Every officer and employee in the competitive service shall retain his office or employment so long as it exists under the same or a different title during good behavior and shall not be removed, dismissed, fined, demoted, reprimanded in writing, suspended, reduced in compensation as a punishment or otherwise penalized except as provided in Subsection I hereof and in this Section. This Section as well as Subsection I hereof is subject, however, to every provision of the Constitution of the United States and of the State of California and applicable State Statutes designating a general ground or general grounds of forfeiture of office or employment, or imposing a criminal liability.

No person who shall have served the probationary period in a permanent office or employment as hereinabove provided for shall be removed therefrom or penalized in any manner, except upon signed written charges filed with the City Council either by the head of a department of City government, or by any other person. Such written charges shall be specific as to time, place and circumstances.

Upon receipt of such charges the City Council shall refer the said charges to the Personnel Board for a hearing as provided for herein. Such accused officer or employee shall have the right to present his case orally and in writing, to call witnesses in his behalf, to present evidence and to be represented by counsel or other representation of his own choice.

A copy of the charges and place of hearing shall be given the accused personally or shall be mailed to him by registered mail at his last known address by the Personnel Officer not later than twenty days before any hearing. Hearings shall be commenced before the expiration of thirty days from the date

such charges are referred to the Personnel Board by the City Council.

The provisions of Sections 54950 and 54958 inclusive of the Government Code of California, as now applicable or may hereafter be amended, shall apply to the kind of hearings to be held under this Section. Such hearings as this Section applies to may, however, be attended by the parties thereto and the City Council.

If the accused officer or employee fails to appear at any hearing without showing good cause for such failure to appear, he may be reprimanded, fined, demoted, dismissed, removed, reduced in compensation or otherwise penalized without further proceedings. If he appears at the time and place set for any hearing, the Personnel Board shall hear the matter.

After concluding any hearing the Personnel Board within ten days shall certify its findings to the City Council that the accused was exonerated, reprimanded, fined, demoted, removed, dismissed, reduced in compensation or otherwise penalized and except for bad faith or lack of evidence such findings shall be final. In such event of bad faith or lack of evidence, the City Council shall be the final review board to whom an officer or employee may appeal under this Section; the City Council's decision shall then be final.

L. Political Activity. No person shall be appointed to, or demoted or dismissed from, any position in the classified service or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations or race.

No person shall seek or attempt to use any political endorsement in connection with any appointments to a position in the classified service.

No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in pay or other advantage in employment in any such position for the purpose of influencing the role or political action of any person, or for any consideration.

Nothing herein shall be construed to deprive any employee in the classified service of his privilege of voting and privately expressing his views as a citizen; nor shall such employees be denied the right to take part in non-partisan activities in support of or in opposition to ballot measures touching upon or concerning these employment rights, privileges or benefits.

Nothing in this Section shall be construed to prevent such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to a public office, save and excepting as is otherwise specifically prohibited by law.

Any willful violation thereof or violation through culpable negligence shall be sufficient grounds to authorize the discharge of any officer or employee.

N. Right to Contract for Special Service. The City Council may contract with some competent agency for the performance by such agency for technical service in connection with the establishment of the Personnel System or with its operations, as may be necessary for:

(1) The public advertising of all examinations.

(2) To provide and maintain eligibility lists for the various positions in the competitive service.

(3) The holding of open, free competitive examinations and the administering of other suitable tests to fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed.

; and

WHEREAS, The proposed amendments so ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting thereon and concurring therein, That the amendments to the Charter of the City of Napa, as proposed to and adopted and ratified by the qualified electors of the city, are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of the City of Napa.

CHAPTER 17

Assembly Concurrent Resolution No 23—Relative to Sir Winston Leonard Spencer Churchill.

[Filed with Secretary of State January 28, 1965]

WHEREAS, The recent passing of Winston Churchill has left in our hearts an ache and in our lives an unfillable void; and

WHEREAS, For millions of individuals throughout the world the name "Churchill" personifies the intangible concepts of challenge, of confrontation, of persistency, and of victory; and

WHEREAS, Sir Winston was a leader in the government of Great Britain for over 50 years, serving in Parliament since 1924, culminating his political career as Prime Minister of that sovereignty, and advocating, promoting and driving throughout those years for the principle of representative government for his country's people; and

WHEREAS, During that first titanic conflict of nations Churchill served his country in the positions of First Lord of the Admiralty, Minister of Munitions, and Secretary of State for War, thereby acquiring a wealth of tempered experience which in World War II he used for the benefit of freedom-loving people everywhere in rallying his countrymen to unify their strength to defeat aggressive tyranny; and

WHEREAS, His higher formal education was received at Harrow and Sandhurst, and from 1929 to 1931 he was Lord Rector of the University of Edinburgh and in 1930 Chancellor of Bristol University; and

WHEREAS, He wrote over 30 books including The World Crisis in four volumes, Marlborough in four volumes, The History of the English Speaking Peoples in four volumes, and The Second World War in six volumes, and in 1953 was awarded that highest of honors, the Nobel Prize for Literature; and

WHEREAS, As a tribute to his achievements, he was made an honorary citizen of the United States, a rarely accorded honor; and

WHEREAS, By his erudite prose and ringing oratory he provided an inspirational leadership and guidance for which he was knighted by Queen Elizabeth in 1953; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That their members are humbly and awesomely appreciative of Winston Churchill's tremendous accomplishments and unexcelled contributions to freedom and representative government, and express their sympathy to his wife, Lady Churchill, his daughter, Sarah Churchill, his son, Randolph Churchill, and his daughter and son-in-law, Right Honorable and Mrs. Christopher Soames; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit suitably prepared copies of this resolution to Lady Churchill, Sarah Churchill, Randolph Churchill, and the Right Honorable and Mrs. Christopher Soames.

CHAPTER 18

Assembly Concurrent Resolution No. 24—Memorializing the death of Sir Winston Churchill.

[Filed with Secretary of State January 28, 1965]

WHEREAS, Sir Winston Churchill on May 10, 1940, at a time when Europe was prostrate under the yoke of Nazi tyranny, assumed the leadership of the Free World; and

WHEREAS, The dimension of this responsibility was one of the most awesome to confront any man at any time in history; and

WHEREAS, Sir Winston Churchill led Britain through the lowest ebb of allied fortunes until the United States could gather strength and decision to join the World Crusade for Freedom against Hitler; and

WHEREAS, Sir Winston Churchill successfully coordinated the joint resources of Great Britain with the might of the United States to vanquish the Nazi tyranny; and

WHEREAS, Sir Winston Churchill rose to his leadership out of the great discouragement of his defeat as a leader in World War I; and

WHEREAS, Sir Winston Churchill has become a symbol of tenacity and courage which uses defeat as an anvil on which to forge character and achievement; and

WHEREAS, Sir Winston Churchill had an American mother and gave free witness, public and private, to his great love for the United States; and

WHEREAS, Sir Winston Churchill excelled as a politician, a statesman, a militant leader, an author, an orator and a patron of the arts; and

WHEREAS, In the objective opinions of the most famous men of achievement in our day, he is judged as one of the greatest historical figures of all time; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the people of California, as represented by both the Assembly and Senate of the State of California, do express their love, respect and grief for the memory of Sir Winston Churchill as a symbol of their love of freedom and tender these feelings in common cause with the citizens of the British Commonwealth and with all people everywhere who cherish democracy and freedom; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit suitably prepared copies of this resolution to the British Consulate in San Francisco, to the British Ambassador in Washington, and to the family of the beloved Sir Winston Churchill.

CHAPTER 19

Assembly Concurrent Resolution No. 6—Relating to the World Farm Center.

[Filed with Secretary of State February 2, 1965.]

WHEREAS, Agriculture is a basic industry vital to the economy and sustenance of California, the United States, and the entire world; and

WHEREAS, The technical developments relating to agriculture have been tremendous and have created a serious need for better communication between members of the industry and the general public; and

WHEREAS, The well-being and future improvement of farmers and the consumers of farm products requires the development of techniques, research and procedures for the improvement of the agricultural industry; and

WHEREAS, The establishment of a World Farm Center as proposed at Ontario, San Bernardino County, would provide a service organization designed to serve as an agricultural clearinghouse and marketing information center to encourage, assist and cooperate in agricultural research programs with universities, governmental agricultural agencies, and private agencies; and

WHEREAS, The World Farm Center, at no public expense, would develop its site as a manufacturing, demonstration, and display center for all types of agricultural machinery and equipment, would establish prototype agricultural enterprises for display and production, and would establish a convention center for agricultural organization meetings; and

WHEREAS, The World Farm Center would engage in other service and educational functions to advance the agricultural industry, would establish a center for offices of companies, associations, governmental and others, and would improve understanding between agriculture and the general public; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature heartily commends those responsible for the World Farm Center and acknowledges the outstanding contribution the center will make to agriculture.

CHAPTER 20

Assembly Concurrent Resolution No. 8—Relative to the December, 1964, storms and floods.

[Filed with Secretary of State February 2, 1965.]

WHEREAS, The storms and floods which hit the north coastal area of the state in December, 1964, caused the loss of human lives and extensive damage to both public and private property and facilities; and

WHEREAS, An outstanding job in the saving and protecting of human lives and public and private property and facilities was and still is being performed by many federal, state, and local public agencies, and private agencies; and

WHEREAS, Governor Edmund G. Brown has visited the scenes of this terrible disaster and both the federal and state governments are currently investigating the emergency situation and all the possible available means of federal and state assistance to the inhabitants of this stricken area and to the local public agencies involved, and legislation to provide disaster relief in the areas involved has already been introduced at this session of the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend their heartfelt sympathy to the inhabitants of the areas devastated by the December, 1964, storms and floods, reassure them that the members recognize the gravity of the situation, and pledge that all steps which are possible at the state level will be taken in order to provide relief to the local governmental agencies involved and their inhabitants from the damage suffered by them; and be it further

Resolved, That all departments and agencies of the state are requested to take all actions within their powers to assist the local governmental agencies in the areas involved, and their inhabitants, to recover from this terrible disaster.

CHAPTER 21

Senate Concurrent Resolution No. 16—Approving amendments to the Charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of the city at a general election held therein on the 3rd day of November, 1964.

[Filed with Secretary of State February 2, 1965.]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Bakersfield, a municipal corporation in the County of Kern, State of California, as set out in the certificate of the Mayor and City Clerk of the City of Bakersfield as follows:

SENATE CONCURRENT RESOLUTION NO 16—APPROVING CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF BAKERSFIELD, COUNTY OF KERN, STATE OF CALIFORNIA, VOTED FOR AND RATIFIED BY THE ELECTORS OF SAID CITY OF BAKERSFIELD AT AN ELECTION HELD THEREIN ON THE 3RD DAY OF NOVEMBER, 1964.

Whereas, the City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of sixty-four thousand, five hundred inhabitants as ascertained by the last preceding census taken under the authority of the Legislature of California, and is now and has been ever since the twenty-third day of January, 1915, organized and existing under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 7th day of November, 1914, and approved by the Legislature of the State of California in Jan-

uary, 1915; and filed with the Secretary of State on January 23, 1915; and

Whereas, on the 17th day of August, 1964, the legislative body of the City of Bakersfield, to wit: the City Council, on its own motion passed a resolution to submit to the electors of said city, at a special election to be held November 3, 1964, certain proposed amendments to the City Charter of the City of Bakersfield, on said date, the City Council of the City of Bakersfield duly and regularly called a special election for the purpose of voting on said proposed amendments, to be held on the 3rd day of November, 1964, which said date was fixed by the said City Council of the City of Bakersfield as the time for voting on said amendments as proposed, and which said election was consolidated with the State General Election held within said City on said date, and

Whereas, said proposed amendments were published on the 2nd day of September, 1964, in each edition of The Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

Whereas, on the 2nd day of September, 1964, the City Clerk of the City of Bakersfield caused to have copies of said proposed charter amendments printed in a two sheet pamphlet form; subsequently from October 14, 1964 through October 19, 1964 the County Clerk of the County of Kern had a copy of the two sheet pamphlet setting forth said proposed charter amendments, mailed to all the qualified electors of the City of Bakersfield in the form of and in the manner provided by Section 8 of Article XI of the Constitution of the State of California; and

Whereas, said special election was duly and regularly held on the 3rd day of November, 1964, which said date of the election was not less than forty nor more than sixty days after the completion of the advertising in said official newspaper of said proposed amendments, and at said special election the said proposed amendments to said Charter were voted upon by the qualified electors of the City of Bakersfield, and at said special election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendments to said Charter.

That the Charter of the City of Bakersfield be amended as follows:

PROPOSITION NO. 1

That Section 16 of the Charter of the City of Bakersfield be amended to read as follows:

Vacancies in Council

Section 16. Vacancies in the Council shall be filled in the following manner, except when caused by recall election. If a vacancy occurs in the Council at a time less than six (6) months prior to the date of the next general election for the vacant council seat, the Council shall fill the vacancy by appointment for the remainder of the unexpired term. If a vacancy occurs in the Council at a time more than six months prior to the date of the next general election for the vacant Council seat, a petition requesting a special election may be filed with the Council. Such petition must contain the signatures of qualified electors of the ward equal in number to not less than twenty-five (25) per cent of the vote cast for Councilmanic candidates of that ward, at the last general election, and the signatures thereto shall be verified and certified in the same manner as provided for petitions for recall elections. If the petition is valid the Council shall call a special election to fill the vacancy, to be held not less than ninety (90) days nor more than one hundred eighty (180) days following the certification of the petition to the Council. In the event that a valid petition requesting a special election is filed, the Council may within two (2) weeks after the petition is filed, make an interim appointment to fill the vacancy, until the results of the election are certified. If no such petition requesting a special election is filed within two (2) weeks after the vacancy occurs, the Council shall fill the vacancy by appointment or by special election for the remainder of the unexpired term.

That Section 17 of the Charter of the City of Bakersfield be amended to read as follows:

Qualifications of Councilmen

Section 17. Members of the Council, and candidates therefor, shall be residents of the City for three years and electors of the ward which they represent. Councilmen shall not hold any other public office incompatible with his duties and shall not be interested in any contract, job, work or service of the municipality, as such interest is or may be defined in Title 1, Division 4, Article 4 of the Government Code of the State of California, etc.

That Section 19 of the Charter of the City of Bakersfield be amended to read as follows:

Meetings of the Council

Section 19. On the second Monday following a general municipal election, the Council shall meet in the Council chambers of the City Hall at 8 P. M., at which time the newly elected and qualified councilmen shall assume the duties of their office. Thereafter the Council shall meet at such times as may be prescribed by ordinance or resolution. Any four members thereof may call special meetings of the Council upon notice to each member. Such notice shall state the subjects to be

considered at the meeting and no other subjects shall be there considered All meetings of the Council shall be public except those meetings exempted by law from being open to the public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

The Council shall determine its own rules and order of business, appoint its own committees, and shall keep a minute book of its proceedings.

That Sections 20(b), (d), (k) and (*l*) of the Charter of the City of Bakersfield be amended to read as follows:

Mayor and Vice-Mayor of Council

Section 20 (b). The Mayor shall be the official head of the City for all legislative policy and ceremonial purposes, and shall execute all legal instruments and documents, and shall preside at all meetings of the Council. The Mayor shall not be vested with administrative authority.

Section 20 (d). An office in the City Hall shall be provided for the Mayor for the conduct of his official duties.

Section 20 (k). Following a general municipal election, at the first meeting and upon assuming the duties of the office of Councilman, each new Council shall elect one of its members Vice-Mayor of the Council.

Section 20 (*l*). During the temporary absence or disability of the Mayor, the Vice-Mayor of the Council shall act as Mayor pro tempore, without pay, for a period not to exceed thirty consecutive days. Thereafter, said Mayor pro tempore shall receive the per diem pay to be deducted and based upon the monthly installments of compensation provided for the Mayor until the duly qualified Mayor shall again resume his official duties, at which time he shall again receive his monthly installments, or his pro rata share thereof, as the case may be.

That Section 21 of the Charter of the City of Bakersfield be amended to read as follows:

Legislative Procedure

Section 21. The Council shall be the judge of the election of its members. A majority of all members shall be a quorum to do business; a number less than a majority may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members of the Council shall be necessary to adopt an ordinance or resolution. The vote upon the passage of all ordinances and upon the adoption of such resolutions as the Council by its rules prescribe, shall be taken by "yeas" and "nays" and entered upon the journal.

That Section 33 of the Charter of the City of Bakersfield be amended to read as follows:

Conflicting Ordinances

Section 33. At any municipal election at which all qualified registered electors are entitled to vote, one or more other questions or ordinances may be submitted to the qualified registered electors of the City, either by the same or by different ordinances, if said other questions and ordinances are such as may be legally submitted at such election, and the requirements of the charter have been complied with. If two or more measures approved or adopted at the same election conflict, the measure receiving the highest affirmative vote shall control in such conflicting portions. Any section amended or added, shall supersede any conflicting section of a previously amended or existing section. Whenever in this Charter the masculine gender is used, it shall be deemed to include the feminine gender.

That Section 34 of the Charter of the City of Bakersfield be amended to read as follows:

Officers Appointed by the Council

Section 34 The Council shall appoint the following

1. The City Manager, who may or may not be a resident of the City at the time of his appointment, and whose term of office shall be at the pleasure of the Council.
2. Attorney
3. The Council may appoint such other officers as may be created by ordinance

That Section 37.5 of the Charter of the City of Bakersfield be amended to read as follows:

Removal of City Manager

Section 37.5. The City Manager may be removed from office by the affirmative votes of four members of the Council. After such removal and not later than thirty (30) days thereafter, he may request and secure within such time, a public hearing before the Council to speak in his own behalf.

That Section 38 of the Charter of the City of Bakersfield be amended to read as follows:

Heads of Departments

Section 38. The following officers shall be appointed by the City Manager:

1. Police Chief
2. Fire Chief
3. Public Works Director
4. Auditor-Controller
5. City Clerk
6. Planning Director

7. Chief Building Inspector
8. Auditorium Manager
9. Recreation Director
10. Such other officers as may be designated by the Council and created by ordinance

That Section 41 of the Charter of the City of Bakersfield be amended to read as follows:

Examination of Records

Section 41. The City Council shall employ, at the beginning of each fiscal year, a certified public accountant who shall, without notice, examine the books, records, and reports of the auditor and of all other officers and employees who receive or disburse city money, and of such other officers and departments as the Council may direct. Reports of such examination, in triplicate, shall be made and one each thereof shall be filed with the Clerk, Auditor and Attorney. Any officer, clerk or employee who shall refuse to give all required assistance and information to such accountant or submit to him for examination such books, papers and records of his office as may be required, shall forfeit his office.

That Section 43 of the Charter of the City of Bakersfield be amended to read as follows:

Qualifications of Officers and Employees

Section 43. Except as otherwise specified in this Charter, the qualifications of officers and employees of the City shall be as follows: Each elective officer must be a citizen of the United States, of the State of California, and of the City of Bakersfield, for three years next preceding the date of his election. Residence within the limits of any territory which has been or may hereafter become annexed to the City of Bakersfield, shall, after any such annexation has been accomplished, be deemed and construed to have been within the City. Appointive officers, subordinate officers, all municipal employees and all members of any board or commission authorized by this Charter and the City Council, must be citizens of the United States, provided that all members of any board or commission must also be a resident of the City at the time of appointment. Upon appointment such persons who are not residents of the City at time of appointment, shall become a resident of the City within six months after appointment, and shall remain a resident of the City thereafter during his term of office or appointment.

That Section 43 (a) of the Charter of the City of Bakersfield be repealed.

That Section 60 of the Charter of the City of Bakersfield be amended to read as follows:

Disposition of Money Collected

Section 60. Every officer or employee collecting or receiving any funds belonging to or for the use of the City shall settle for the same immediately. The Council may provide, in its discretion, for the deposit of the City's funds in banks in accordance with the state law.

That Section 136 of the Charter of the City of Bakersfield be amended to read as follows:

Public Work to be Done by Contract

Section 136. In the erection, improvement and repair of all public buildings and works, and in furnishing any supplies and materials for the same, or for any other use by the City, when the expenditure required for the same exceeds the sum of four thousand dollars, the same shall be done by contract and shall be let to the lowest responsible bidder, after notice in the official newspaper by one or more insertions, the first of which shall be at least five (5) days before the time for opening bids. When the expenditure required for any of the purposes mentioned above exceeds the sum of two thousand five hundred dollars, but is less than four thousand dollars, the same may be let to the lowest responsible bidder, by a process of informal bidding without the necessity of advertising in the official newspaper. Projects for the resurfacing, maintenance or repair of streets, drains or sewers are excepted from the requirements of this paragraph, if the City Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

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

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

That Section 137 of the Charter of the City of Bakersfield be amended as follows:

Publishing Legal Notices

Section 137. In the event that there is more than one newspaper of general circulation published in the City, the City Council, annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published, in a newspaper of general circulation published and circulated in said City, during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

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

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

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

That Section 162 of the Charter of the City of Bakersfield be amended as follows:

Rules Of Construction

Section 162. The rules of construction and interpretation and the definition of words and phrases provided by the Government Code of the State of California, the Civil Code of the State of California, the Code of Civil Procedure of California and the Penal Code of California, shall be and are hereby made the rules of construction and interpretation and the definitions for this Charter, except where otherwise provided herein.

That Section 163 of the Charter of the City of Bakersfield be amended as follows:

Meanings Of Words

Section 163. The following words have, in this Charter the signification attached to them in this connection, unless otherwise apparent from context:

The word "elector" shall mean qualified registered electors under the election law of California, and whose names are in the current great register of the County of Kern, and who are entitled to vote in the precinct or ward where they reside.

"Council" shall mean the Council of the City of Bakersfield, as the governing body thereof.

"City" shall mean the City of Bakersfield.

PROPOSITION No. 2

That Sections 25, 26, 27, 28, 29, 30, 31, 32, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96 and 97 be repealed.

That Section 71 of the Charter of the City of Bakersfield be amended as follows:

Requirements of Certificate

Section 71. Each certificate must be a separate paper. All certificates must be of a uniform size, as determined by the Clerk. Each certificate must contain the name of one signer thereto and the name of but one candidate. Each signer must be an elector, entitled to vote for the candidate named, and must not, at the time of signing a certificate, have signed any other certificate for the same office. In case an elector has signed two or more conflicting certificates, all except the one first presented shall be rejected. Each signer must sign his name in the presence of the verification deputy, who must take oath before some officer authorized to administer and certify oaths, that the signatures thereto and each thereof, were made in his presence, and are genuine.

No certificate is valid under this section, if the verification deputy who witnesses the execution of the signature of the elector appearing on the certificate is not himself entitled to vote for the candidate named.

That Sections 72, 73, 74 and 75 be added to read as follows:

Qualifications of Circulator

Section 72. No signature of an elector on a recall petition paper shall be counted by the City Clerk if the circulator who obtained the signature of the elector, is not himself entitled to vote on the recall of the officer named in the petition.

Name of Election

Section 73. All elections except General Municipal Elections and Nominating Municipal Elections, shall be known as Special Municipal Elections.

Procedure for Holding Municipal Elections

Section 74. Unless otherwise provided for by this charter or ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, pertaining to Municipal Elections, as the same now exists or may hereafter be amended.

Initiative, Referendum and Recall

Section 75. Except insofar as is otherwise provided by this charter or ordinances hereafter enacted, the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended governing the initiative, the referendum and the recall of municipal officers shall apply to the use thereof in the City.

PROPOSITION No. 3

That Sections 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129 and 130 be amended as follows:

Franchises

Section 115. No person, firm or corporation shall exercise any franchise right or privilege mentioned in this article within the city except insofar as he or it may be entitled to do so by authority of the Constitution of the State of California and statutes or other laws, unless he or it shall have obtained a grant therefor in accordance with the provisions of this Charter.

Any franchise in existence at the time of the adoption of this section shall remain in effect until the expiration of its term.

Authority to grant Franchises

Section 116. The City Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the city and its inhabitants with transportation, communication, Cable Antenna Television Service, terminal facilities, light, heat, gas, water, storage or any other public utility or service, or to use the public streets, ways, alleys or places for the operation of plants, works or equipment for the furnishing thereof or traversing any portion of the city, for the transmittal or conveyance of any such service elsewhere. The City Council may provide, by ordinance, additional terms and conditions of such franchise not inconsistent with this Charter.

Nothing in this Charter shall apply to the city or any department thereof, when furnishing any such utility or service.

Franchises for Distribution Facilities for Gas, Electricity and Water

Section 117. In addition to the authority to grant franchises contained elsewhere in this Charter, the City Council may grant a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to use, or to construct and use, poles, wires, conduits and appurtenances for transmitting and distributing electricity for all purposes, or to use, or to lay and use, pipes and appurtenances for transmitting and distributing gas for any and all purposes, or to lay and use pipes, ditches, flumes, conduits and appurtenances for transmitting and distributing water for any and all purposes, under, along, across, or upon the public streets, ways, alleys and places within the municipality, upon such terms and conditions as are provided in an act of the Legislature of the State of California, designated therein and commonly known as the "Franchise Act of 1937" and as the said act may hereafter be amended.

The enumeration of a particular act of the State of California shall not be held to be a limitation on the authority of the City Council to grant franchises pursuant to any other law of the State of California as they now exist or may hereafter exist.

Resolution of Intention—Notice and Public Hearing

Section 118. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once within fifteen (15) days of the passage thereof, in the official newspaper. The time fixed for such hearing shall not be less than twenty (20) nor more than sixty (60) days after the passage of said resolution.

At the time set for the hearing the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise, subject to the right of referendum of the people.

If the City Council shall determine that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, a new resolution of intention shall be adopted and like proceedings had thereon.

Term of Franchise

Section 119. Every franchise shall state the term for which it is granted, which unless it be indeterminate as provided for herein shall not exceed 50 years.

A franchise grant may be indeterminate, which may provide that it shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered, or abandoned by its possessor or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take under the power of eminent domain, all property actually used and useful in the exercise of such franchise, or until the franchise shall be forfeited for noncompliance with its terms by the possessor thereof.

Grant to be in Lieu of All Other Franchises

Section 120. Any franchise granted by the City with respect to any given utility or service shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee to any right under such franchise, for the rendering of such utility or service within the limits of the City as they now or may hereafter exist, except any franchise derived under Section 19 of Article XI of the Constitution of California as said section existed prior to the amendment thereof adopted October 10, 1911. The acceptance of any franchise hereunder, shall operate as an abandonment, with the exception of said constitutional franchise, of all such franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within 30 days after the adoption of the ordinance granting the franchise or any extension thereof granted by the City Council and when so filed, such acceptance shall constitute a continuing agreement of such grantee that if and when the City shall thereafter annex, or consolidate with, additional territory, and all franchises, rights and privileges owned by the grantee therein, except a franchise derived under said constitutional provision, shall likewise be deemed to be abandoned within the limits of such territory.

No grant of any franchise may be transferred or assigned by the grantee without the prior consent of the City Council evidenced by a duly adopted resolution approving the assignment or transfer and unless the transferee or assignees thereof shall covenant and agree to perform and to be bound by each and all of the terms and conditions imposed in the grant by this charter.

Duties of Grantees

Section 121. By its acceptance of any franchise hereunder, or upon the renewal of any franchise, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant, or by the ordinance granting the franchise and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power governing the construction, maintenance and operation of its plants, works or equipment;

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;

(c) Covenant and agree that the City, its agents, servants and employees are to be free from liability and claims for damages as the result of injury to any person or persons (including grantee) or of injury to any property of any kind whatsoever or to whomsoever belonging (including grantee) resulting from any operations under such franchise so granted or renewed. Grantee further covenants and agrees to indemnify and save harmless the City from any and all liability arising out of any such injury. Grantee shall, on the City's request, defend any suit asserting a claim covered by this indemnity.

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, change in the alignment or width of any public street, way, alley or place, alley or easement, or construction of any subway or viaduct; and

(e) Pay to the City during the life of the franchise a percentage, to be specified in the grant of the gross annual receipts of the grantee arising from its operation under the franchise within the limits of the City, and such other compensation as the City Council may prescribe in the ordinance granting the franchise.

Method of Granting Franchise

Section 122. The Council may grant a franchise without calling for bids or may, in its discretion, advertise for bids for sale of a franchise upon a basis, not in conflict, with the provisions of this article, to be set out in the advertisement for bids.

Examination of Company's Books

Section 123. All ordinances granting franchises under this article, shall provide that the city shall have the right, at all reasonable times, to examine all the books, vouchers, records and other papers, of all holders exercising or enjoying any franchise under this article. Refusal to produce the same at

any reasonable time for examination, by the Clerk, accountant, or other agents appointed by the Council, shall work a forfeiture of the said franchise.

Annual Report of Company

Section 124. Except as otherwise specifically provided for in this article, or in the ordinance granting a franchise, every holder, or operator, of any business under a franchise granted under this article shall file annually with the City Clerk, on such date as shall be fixed by the Council, a report for the preceding year. Such report shall be in writing, verified by the affidavit of such person or persons, or officer of the corporation, as the Council shall direct, and shall contain a statement, in such form and details as shall from time to time be prescribed by the Council, of all the gross receipts arising from all the business under said franchise, within the city, for the year immediately preceding such report. Such report shall contain such further information as may be required by the Council concerning the character and amount of business done under said franchise, and the amount of receipts and expenses connected therewith, and also an itemized account of the money expended under said franchise, for new construction, repairs and betterments during the year. The Council shall have the power to call for special report, at any time covering any specific period.

Franchise Record Book

Section 125. The Council shall provide and cause to be kept in the office of the City Clerk a franchise record, indexed, and of proper form, in which shall be transcribed accurate and correct copies of all franchises granted by the City, the names of the grantees, and thereafter the name of any assignee or lessee thereof.

Payment of Gross Receipts

Section 126. The stipulated percentage of gross receipts provided in this Charter or said ordinance to be paid for the use and enjoyment of any franchise as set forth in the ordinance granting such franchise shall be paid annually by holders thereof, at the time of filing the annual report provided for in this charter or ordinance. Failure to pay such percentage shall work a forfeiture of the franchise.

Purchase or Condemnation by City

Section 127. No franchise grant shall in any way or to any extent impair or affect the right of the City now or hereafter conferred upon it by law to acquire the property of the grantee thereof either by purchase or through the exercise of the right

of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility.

Forfeiture

Section 128. In the event that a grantee or assignee of any franchise granted pursuant to this charter shall cease to carry on its operations under said franchise for a period of sixty (60) days the City Council may, by resolution, declare said franchise to be forfeited Such resolution may further provide, at the option of the City Council, that all works, installations and equipment which have been placed or installed in, on or over public streets, ways, alleys or places shall become the property of the City and all right, title and interest to said works, installations and equipment shall vest in the City of Bakersfield.

Exercising Right Without Franchise

Section 129. The exercise by any person, firm or corporation of any privilege for which a franchise is required without first procuring a franchise, shall be a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment for not more than six (6) months in the County Jail or by both such fine and imprisonment and each day that such violation continues shall constitute a separate offense.

In addition to the penalty prescribed above any person, firm or corporation exercising a franchise or privilege in violation of this article shall be liable to the City of Bakersfield in the amount of One Hundred Dollars ($100.00) for each and every day of such violation.

Referendum on Franchise Ordinances

Section 130. Notwithstanding any provision in this Charter to the contrary, if before any ordinance granting a franchise under this article becomes effective, a petition signed by qualified registered electors of the City, equal in number to twenty-five per centum or more of the entire vote cast at the last municipal election at which all qualified registered electors were entitled to vote, protesting against the passage of such ordinance, be presented to the Council, said ordinance shall thereupon be suspended. The Council shall submit the ordinance to the qualified registered electors of the City either at the next municipal election at which all qualified registered electors are entitled to vote, or at a special election called for that purpose, and such ordinance shall not go into effect unless a majority of the qualified registered electors voting on the same shall vote in favor thereof. The provisions respecting the forms and conditions of the petition and the mode

of verification and certification and filing, shall be the same as provided for initiative petitions in Article III of this chapter. The ballot to be used shall be substantially as is provided in Article VII of this Charter, with such modifications as may be required, said form of ballot to be approved by the City Council.

AND WHEREAS, the Council of the City of Bakersfield, County of Kern, State of California, in accordance with the law in such cases made and provided, did meet at its usual place of meeting, at the time and in the manner provided by law, and duly canvassed the returns of said election as certified by the Election Boards, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted in favor of, and ratified said amendments to the Charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, that the foregoing is true is shown by the certificate of R. V. Karlen, Mayor of the City of Bakersfield, and Marian S Irvin, Clerk of said City, whose certificate is in words and figures as follows, to wit:

State of California }
County of Kern } ss.
City of Bakersfield }

This is to certify that we, R. V. Karlen, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of the City of Bakersfield, have compared the foregoing proposed and ratified amendments to the Charter of the City of Bakersfield with the original proposed amendments submitted to the qualified electors of the said City of Bakersfield at an election held within the City of Bakersfield on November 3, 1964, and find that the foregoing is a full, true, correct and exact copy of said amendments

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and the matters set forth therein are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 6th day of January, 1965.

R. V. KARLEN, M.D.
(SEAL) Mayor of the City of Bakersfield
MARIAN S. IRVIN
Clerk of the City of Bakersfield

and

WHEREAS, the said amendments to the Charter of the City of Bakersfield so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California.

Now, therefore, be it resolved by the Senate, the Assembly concurring (A majority of all members elected to each house voting for the adoption of this resolution and concurring therein), that the said amendments to the Charter of the City of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Bakersfield, be and the same are hereby adopted as a whole for and as amendments to the said Charter of the City of Bakersfield.

CHAPTER 22

Assembly Concurrent Resolution No. 7—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State February 15, 1965.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 10201 of the Government Code, George H. Murphy is selected Legislative Counsel of California.

CHAPTER 23

Senate Concurrent Resolution No. 28—Relative to commending the Riverside County Fair and Date Festival.

[Filed with Secretary of State February 16, 1965.]

WHEREAS, The natural desert setting of Coachella Valley, California, instantly calls to mind an Arabian atmosphere and has in fact the climate and plantlife of that picturesque Near Eastern area; and

WHEREAS, The people of Riverside County have selected this scenic background for the site of their county fair and permanent home of the National Date Festival; and

WHEREAS, This unique California exposition has been established at Indio, California, with its displays, architecture and entire theme centering around the glamour and culture of the ancient land of Allah; and

WHEREAS, The market place, camel races, and Arabian Nights Pageant, with its cast of more than 150 persons performing in dazzling costumes under spectacular lighting on the authentically Arabian stage, present a real-life spectacle of the world of Aladdin unequaled in America; and

WHEREAS, Presiding over the festivities this year will be the county's most beautiful Queen Scheherazade, Betty Hendrickson of Palm Springs, who will be surrounded by a court of nine lovely princesses from neighboring communities, namely, Barbara White, Perris Valley; Susan Wiehe, Thousand Palms;

Sandra Slocum, Indio; Linda Kirkpatrick, Banning; Jennifer Gevedon, Beaumont; Andrea Massie, Desert Hot Springs; Linda Calloway, North Palm Springs; Dyane Simpson, Corona; and Micki Papini, Elsinore; and

WHEREAS, The rarest and most delicious dates of this, the Date Capital of the World, are available in their natural beauty and incomparable sweetness; and

WHEREAS, The outdoor stadium and exhibition halls, all Arabian-style buildings, and flower-studded gardens are now in readiness for the finest production of this annual event, and the people of Riverside County have donned their Arabian costumes in the spirit of the event; and

WHEREAS, This year the Riverside County Fair and National Date Festival under the able direction of Charles J. Wameling promises to be even greater than any in the past; and

WHEREAS, The majestic splendor of this event will be available to all from February 12 to 22, 1965; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the County of Riverside is commended on the excellence of its county fair and National Date Festival and the glowing example of the efforts of its people in presenting this unique and outstanding exposition; and be it further

Resolved, That the Members of the Legislature acknowledge and commend the outstanding efforts of the manager and entire staff of the Riverside County Fair and National Date Festival; Queen Betty Hendrickson; Princesses Barbara White, Susan Wiehe, Sandra Slocum, Linda Kirkpatrick, Jennifer Gevedon, Andrea Massie, Linda Calloway, Dyane Simpson, and Micki Papini, and all of the hundreds of good people who are devoting their time and efforts to making this fair one of the greatest attractions to visitors from all over the world; and be it further

Resolved, That the Members of the Legislature urge all of the people of the State of California to visit the Riverside County Fair and National Date Festival and enjoy this spectacular event; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to Charles J. Wameling, Queen Betty Hendrickson, and Princesses Barbara White, Susan Wiehe, Sandra Slocum, Linda Kirkpatrick, Jennifer Gevedon, Andrea Massie, Linda Calloway, Dyane Simpson, and Micki Papini.

CHAPTER 24

Assembly Joint Resolution No. 4—Relative to letting contracts for flood repairs.

[Filed with Secretary of State February 19, 1965]

WHEREAS, Recent floods which have destroyed many of the public facilities in northern California, have also destroyed much of the housing and businesses in the same areas; and

WHEREAS, Many loggers and other persons in those areas, whose livelihood depended upon businesses which have been destroyed, have equipment which could be utilized in the repair and reconstruction of the public facilities; and

WHEREAS, The importation of personnel and equipment to repair and reconstruct public facilities, where such personnel and equipment is already available locally, not only imposes a burden on the limited housing facilities but also deprives local people who have lost their employment by reason of the floods, an opportunity to reestablish themselves; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That all federal and other non-California agencies which are engaged in the repair or reconstruction of public facilities in the northern areas of the state which were flooded in the recent storms are requested, in letting contracts for the repair or reconstruction of such facilities, to utilize to the fullest extent personnel and equipment available in the vicinity of the damage for such repair or reconstruction work; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 25

Assembly Concurrent Resolution No. 20—Approving amendments to the Charter of the City of Palo Alto, County of Santa Clara, State of California, ratified by the electors of said city at a special municipal election held in said city on the 2nd day of June, 1964.

[Filed with Secretary of State February 19, 1965.]

WHEREAS, Proceedings have been taken and had for the proposal adoption and ratification of certain amendments to the Charter of the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the Mayor of the Council of the

City of Palo Alto and the city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PALO ALTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Santa Clara } ss:
City of Palo Alto

We, the undersigned, Dean R. Cresap, Mayor of the Council of the City of Palo Alto, and Gail Davis, City Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, contains a population of over 50,000 inhabitants and ever since the year 1909 has been and is now organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 21st day of January, 1909 and approved by the Legislature of the State of California by a concurrent resolution thereof filed with the Secretary of State on the 20th day of February, 1909 (Stats. 1909, page 1175); and

That the Legislative Body of said City, namely the City Council thereof, did by Resolution No. 3719 duly adopted pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California duly vote to submit to the qualified electors of said City of Palo Alto at a special election to be held in said City and to be consolidated with the State and County Primary Election three amendments to the Charter of the City of Palo Alto, designated respectively Proposition 1, Proposition 2, and Proposition 3; and

That said proposed Charter amendments were on April 17, 1964, being not less than 40 days nor more than 60 days before said election published in the Palo Alto Times, the official newspaper of said City, and a newspaper of general circulation therein and in each edition thereof during said day of publication and said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point and copies thereof were mailed to each of the qualified electors of said City, and until the day fixed for the election upon said amendments it was advertised in said newspaper that the copies thereof could be had upon application therefor at the office of the City Clerk of said City; and

That said proposed amendments were duly and regularly submitted to the qualified electors of the City of Palo Alto in the manner provided in Section 8 of Article XI of the State of California and that said special election after due notice given and published was duly and regularly held in the City of Palo Alto on June 2, 1964 which day was not less than 40 days nor more than 60 days after the completion of the publi-

cation and advertisement of the proposed charter amendments in the manner required by Section 8 of Article XI of the Constitution of the State of California; and

That the returns of said election were duly and regularly canvassed and certified to and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized that all of the amendments of the Charter of the City of Palo Alto hereinafter set forth were ratified by a majority of the electors of said City voting thereon; and

That the Council of said City did by its Resolution No. 3747 adopted June 22, 1964 duly declare the results of said election as determined by the canvass of the returns thereof; and

That as to said charter amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith; and

That said Charter amendments to the Charter of the City of Palo Alto so ratified by the electors of said City are in words and figures as follows, to wit:

PROPOSITIONS 1 AND 2

That Sections 2, 6 and 7 of Article III of the Palo Alto City Charter be amended to read as follows:

"Section 2. Commencing July 1, 1969 said Council shall be composed of nine members, each of whom shall have been an elector in the City of Palo Alto for at least three years next preceding his election. The members of said Council shall be known as councilmen and their terms of office shall be six years, commencing on the first day of July next succeeding their election, three members being elected each odd numbered year commencing with the regular election of May, 1965. The members of the Council at the time this section takes effect shall continue in office until the expiration of their respective terms.

Section 6. A majority of the council shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings.

Section 7. No ordinance or resolution shall be passed, no appointment made, no officer removed, and no contract shall be awarded without the affirmative vote of a majority of the Council."

PROPOSITION 3

That Articles V and VIII of the Palo Alto City Charter be repealed.

That Section 9 of Article III of the Palo Alto City Charter be amended to read as follows:

"Section 9. The Council shall appoint a City Manager, Clerk, Attorney, Assessor and Controller, and, except as otherwise provided, may by ordinance create or abolish offices,

boards or commissions, and provide for their manner of appointment, their tenure, and the duties which they shall perform."

That Section 1 of Article IV of the Palo Alto City Charter be amended to read as follows:

"Section 1. The Council shall appoint the City Manager, Clerk, Attorney, Assessor and Controller, who shall serve at its pleasure."

In witness whereof, we have hereunto set our hands and caused the seal of the City of Palo Alto to be affixed hereto this 2nd day of July, 1964.

(SEAL)

DEAN R. CRESAP
Mayor, of the City of Palo Alto
GAIL DAVIS
City Clerk of the City of Palo Alto

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Palo Alto as proposed to, adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of said City of Palo Alto.

CHAPTER 26

Senate Joint Resolution No. 3—Relative to legislative apportionment.

[Filed with Secretary of State February 23, 1965]

WHEREAS, The United States Supreme Court has held that both houses of a bicameral state legislature must be apportioned on the basis of population; and

WHEREAS, It will now be totally impossible to apportion representation to reflect the diverse and conflicting interests within a state; and

WHEREAS, California's present apportionment unduly deprives urban areas of adequate representation in the State Senate, nevertheless the court's decision will enable heavily populated areas to dominate state legislatures, and will lead

to a virtual loss of representation in all other areas of the state; and

WHEREAS, In order to prevent this complete disruption of the legislative process in the states, and to preserve for each state the right to balance its representation in the manner best suited to its individual situation, it is essential that the Constitution of the United States be amended to enable the state to apportion one house of its legislature on factors other than population; now, therefore, be it

Resolved by the Senate and Assembly of the State of California jointly, That they respectfully request the Congress of the United States to propose an amendment to the Constitution of the United States, in accordance with the provisions of Article V thereof, to add an article providing that:

"Article ___

"SECTION 1. Nothing in the Constitution of the United States shall prohibit any state, which has a bicameral legislature, from apportioning the membership of one house of its legislature on factors other than population, provided that the plan of such apportionment be submitted to a vote of all of the people of the state at an election in which the franchise is not denied on the basis of race, creed, or color and resubmitted to a vote of all of the people of the state, prior to the implementation of the apportionment plan, and at regular intervals not to exceed 10 years."

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 27

Assembly Joint Resolution No. 5—Relative to erecting a fence in San Diego County along the international border.

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

WHEREAS, As hereinafter described, a rabies epidemic necessitates the erection of a dog-proof fence in the westerly part of San Diego County along the international border between Mexico and the United States; and

WHEREAS, Since September 1962, when rabies first appeared in the southern part of San Diego County and in Tijuana, Mexico, there have been 173 laboratory-identified rabies cases in San Diego County and Tijuana and countless human as well as animal exposures to these 173 cases of rabies; and

WHEREAS, Rabies is a virus infection of the brain and spinal cord capable of infecting the human and animal population in San Diego County and elsewhere; and

WHEREAS, Effective rabies control requires immunization of dogs and the elimination of stray and street dogs and although there has been an effective program of immunization of dogs in San Diego County there is a continuing immigration of stray dogs from Tijuana, Mexico; and

WHEREAS, An uncontrolled rabies epidemic exists in the northern border area of Baja California in Mexico, and from January 1964, through September 1964, there were 68 clinically diagnosed cases of rabies in dogs in the Tijuana area and 142 persons receiving treatment in Tijuana; and

WHEREAS, The majority of cases of laboratory-confirmed rabies in San Diego County have been found at San Ysidro; indicating that the rabies problem in San Diego County directly relates to, and reflects, the spillover from the Tijuana focus of the disease; and

WHEREAS, Only a part of the San Diego County international boundary is adequately fenced with dog-proof fencing, and there is literally no barrier to the passage of dogs from Mexico into San Diego County, United States of America; and

WHEREAS, A dog-proof fence from the Pacific Ocean to a point 12 miles to the east along the international boundary would effectively bar the passage of rabid dogs into the most populous parts of San Diego County and elsewhere from Mexico; and

WHEREAS, The control of the United States-Mexican border is within the jurisdiction of many federal agencies, including but not limited to the International Boundary and Water Commission, the United States Immunization and Naturalization Service, the Department of Agriculture, the Public Health Service, and the Department of Health, Education and Welfare; and

WHEREAS, There is existing legislation that authorizes these agencies to erect fences along the United States-Mexican border (22 U.S.C., Sec. 2778, International Boundary Commission; 21 U.S.C., Sec. 141, Department of Agriculture; P.L. 88 245, appropriation for Immunization and Naturalization Service; 42 U.S.C., Sec. 264, Public Health Service); now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to construct a dog-proof fence in San Diego County, California, along the international border between the United States and Mexico, in order to eliminate the incidents of rabid dogs crossing this border, and thereby alleviate the rabies epidemic in San Diego County, California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President

and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 28

Assembly Joint Resolution No. 7—Relative to memorializing Congress to enact legislation on the protection, enhancement, and improvement of salmon and anadromous fish.

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

WHEREAS, The salmonoid and anadromous fish of California are vital natural assets of great economic value which have been ill-used by man's manipulation and depredation of the habitat; and

WHEREAS, Great efforts have been made to end the long decline of salmon in California waters; and

WHEREAS, Increased facilities are yet needed to provide the maximum effort in rehabilitating the once-great salmon resources of California; and

WHEREAS, The salmon, because it is a marine resource fished by commercial and sport fishermen of several states, is, in part, an interstate concern; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature memorializes the Congress of the United States to enact legislation on the protection, enhancement and improvement of salmon and anadromous fish, so that the federal government can participate in efforts to preserve and enhance this vital resource; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 29

Assembly Joint Resolution No. 8—Relating to coordination of disaster relief.

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

WHEREAS, The unprecedented damage caused in California by the disastrous floods in December 1964 and January 1965 requires the utmost effort of all persons concerned in the repair and replacement of vital facilities and the cleanup of the debris with an absolute minimum of duplication both because of the economy possible in single coordinated efforts and the fact that

if there is no unnecessary duplication this can free persons to carry on some other work; and

WHEREAS, With not only various local and state levels of government involved in this monumental task but also many federal agencies directly active in this area, a coordinated plan is essential to an efficient operation; and

WHEREAS, In a disaster of this magnitude the damage is so extensive and covers so many areas that often the usual divisions of governmental responsibility are not applicable; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That all federal agencies involved in the rehabilitation and repair in the area of the floods, including but not limited to, the United States Corps of Engineers, the Bureau of Reclamation, U.S. Fish and Wildlife Service, Bureau of Land Management, and U.S. Forest Service are requested to develop a coordinated plan for their activities in this regard, including coordination with the appropriate California state agencies; and be it further

Resolved, That these agencies are requested to also develop a coordinated plan under which damage and injury from further storms and floods can best be prevented or minimized and to be followed in operations after any future disaster; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and Vice President of the United States, Speaker of the House of Representatives, to the Secretary of the Department of the Interior, Secretary of Agriculture, U.S. Corps of Engineers, Bureau of Reclamation, U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. Forest Service, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 30

Assembly Concurrent Resolution No. 36—Approving certain amendments to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on April 14, 1964.

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

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of

California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

State of California }
County of San Diego } ss.

We, the undersigned, Keith Menzel, Mayor of the City of Chula Vista, and Kenneth Campbell, City Clerk of said city, do hereby certify and declare as follows:

The City of Chula Vista, a municipal corporation, is now and since the year 1949 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8 Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion proposed to the qualified electors of the City of Chula Vista certain amendments to the Charter of said City, which amendments were designated as Propositions A, B, C, D, and E and submitted said propositions to the qualified electors of the City of Chula Vista at the regular municipal election held on April 14, 1964.

That said proposed charter amendments were published and advertised in the Chula Vista Star News, a newspaper duly designated and qualified as a newspaper entitled to publish legal notices, published in the City of Chula Vista and published in the editions of February 18, 1964, March 12, 1964 and March 19, 1964.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said city, and that until the date fixed for the elections herein described a notice was advertised and published in the Chula Vista Star News, a daily newspaper of general circulation published in the City of Chula Vista, and the official newspaper of said city, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of the City of Chula Vista.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the city clerk of said city until the date fixed for said election.

That said proposed amendments were submitted to the qualified electors of said city at said Regular Municipal Election held in said city.

That at said election on the said proposed amendments to the Charter of the City of Chula Vista, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Propositions A, B, C, D, and E and said proposed amendments were ratified by a majority of the qualified electors of said city voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI of the Constitution of the State of California and the Charter of the City of Chula Vista and the laws of the State of California.

That as to the amendments to the Charter of the City of Chula Vista hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of the City of Chula Vista which were so ratified by a majority of the electors of said city, are in words and figures as follows:

PROPOSITION A.

Amend Article V of the Charter of the City of Chula Vista to be and to read as follows:

Article V—Officers and Employees, Section 511

"(a) The City Council shall not appoint to a salaried position under the City Government any person who is a relative by blood or marriage within the third degree of any one or more members of such City Council, provided that such prohibition shall not apply to persons who achieved permanent salaried status prior to the date upon which any such relative became elected or appointed to such City Council.

"(b) No department head or other officer having appointive power shall appoint to a salaried position under the City Government any person who is a relative of such appointing authority within the third degree by blood or marriage, provided that such prohibition shall not apply to persons who achieved permanent salaried position prior to the effective date of such appointing authority assuming such position, and provided the Chief Administrative Officer approves in writing such appointment."

PROPOSITION B.

Amend Article XII of the Charter of the City of Chula Vista to be and to read as follows:

Article XII—Board of Education, Section 1200

"There shall be a board of education which shall consist of five members elected from the school district at large, at the times and in the manner in this Charter provided, and who shall serve a term of four years and until their successors are elected and qualified Members of the board of education shall receive no compensation for their services as such, but each member shall be entitled to receive the sum of Twenty-Five Dollars ($25 00) per month which amount shall be deemed to be reimbursement of out-of-pocket expenditures and costs imposed upon such member for serving on the board of educa-

tion. Such payments shall commence upon the filing with the City Clerk a true copy of a Resolution or Ordinance declaring that it is the desire of the Board of Education to receive such payments; unless such Resolution or Ordinance is adopted or passed by the board of education such payments shall not be made."

PROPOSITION C.

Amend Article XII of the Charter of the City of Chula Vista to be and to read as follows:

Article XII—Board of Education, Section 1203

"Generally. A vacancy in the board of education from whatever cause arising shall be filled by appointment by the board of education within sixty (60) days after such vacancy occurs; the board's power to fill such vacancy by appointment shall cease upon the expiration of the said sixty (60) day period. Such appointee shall hold office until the next general municipal election and until his successor is elected and qualified. At the next general municipal election following any vacancy, a new member shall be elected to serve for the remaining period of any unexpired term."

"Declaration of vacancy. If a member of the board of education absents himself from all regular meetings of the board for a period of sixty days, consecutively, unless by permission of the board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the school district, his office shall become vacant and shall be so declared by the board of education."

PROPOSITION D.

Amend Article III of the Charter of the City of Chula Vista to be and to read as follows:

Article III—City Council, Section 303

"A vacancy in the city council from whatever cause arising shall be filled by appointment by the city council, within sixty (60) days after such vacancy occurs. The city council's power to fill such vacancy shall cease upon the expiration of such sixty (60) day period. Such appointee shall hold office until the first Tuesday following the next general municipal election and until his successor is qualified. At the next general municipal election following any vacancy, a councilman shall be elected to serve for the remainder of any unexpired term.

If a member of the city council absents himself from all regular meetings of the city council for a period of sixty (60) days consecutively from and after the last regular city council meeting attended by such member, unless by permission of the city council expressed in its official minutes, or is convicted

of a crime involving moral turpitude, his office shall become vacant.

"The city council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy."

PROPOSITION E.

Article XIII, of the Charter of the City of Chula Vista dealing with the City Court shall be deleted and repealed.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of Chula Vista with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said The City of Chula Vista to be affixed hereto this

(SEAL)

KEITH MENZEL
Mayor of The City of
Chula Vista, California
KENNETH CAMPBELL
City Clerk of The City of
Chula Vista, California

and

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Chula Vista, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of said the City of Chula Vista.

CHAPTER 31

Senate Concurrent Resolution No. 27—Relative to continuing the Joint Committee on Tidelands.

[Filed with Secretary of State March 1, 1965]

WHEREAS, The California tide and submerged lands constitute one of the most valuable coastal assets in the nation and state; and

WHEREAS, Continued industrial and population growth make the development or preservation of these coastal lands imminent; and

WHEREAS, At least 61 local jurisdictions hold approximately 10 percent of the most valuable portion of the tidal coastline in trust for the state; and

WHEREAS, The terms of these trusts provide, in varying degrees, for specific administration or development or both of the tide and submerged lands; and

WHEREAS, The Joint Committee on Tidelands has found a considerable degree of noncompliance with the terms of these trusts; and

WHEREAS, It has been determined that these lands comprise a valuable resource belonging to the State of California; and

WHEREAS, These tidal lands should be developed to the benefit and protection of the people of California and each local jurisdiction; now, therefore, be it

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

1. The Joint Committee on Tidelands is hereby continued and authorized and directed to ascertain, study and analyze all facts relating to the best use of the revenues which now or in the future accrue from the development of the tide and submerged lands held in trust, to meet the financial needs of the State of California and the trust provisions as outlined in the tideland grants, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

2. The committee's study shall take into account, among other things, protection of the natural beauty of the area and the public health and safety; the use of proceeds for the wise and adequate development, maintenance and operation of the trust lands, and the provision of adequate financial reserves and safeguards to cover any unforeseen problems that might arise in connection with the trust development in the future.

3. The committee shall continue to consist of seven Members of the Senate appointed by Committee on Rules thereof, and seven Members of the Assembly, appointed by the Speaker

thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1967 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

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

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

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

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

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

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

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

7. The sum of seventy thousand dollars ($70,000), or so much thereof as may be necessary, is hereby made available from the contingent funds of the Senate and Assembly for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 32

Assembly Concurrent Resolution No. 30—Approving an amendment to the Charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment elec-

tion of the City of Alameda held therein on the 30th day of June, 1964.

[Filed with Secretary of State March 3, 1965.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the Charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALAMEDA OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Alameda }
City of Alameda }

We, the undersigned, William S. Godfrey, Mayor of the City of Alameda, and Shirley H. Tennier, City Clerk of the City of Alameda, do hereby certify and declare as follows:

That the City of Alameda, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and ever since the 5th day of May, 1937 has been and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 29th day of April, 1937, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of May, 1937 (Statutes of 1937, page 2880).

That in accordance with the provision of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Alameda, being the legislative body thereof, by its Resolution numbered 6597, adopted on April 9, 1964, duly and regularly submitted to the qualified electors of said City, upon petition signed by fifteen percent (15%) of the registered electors thereof, a certain proposal to amend the Charter of the City of Alameda and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 30th day of June, 1964.

The said proposal was published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Alameda, on the 18th day of May, 1964, in the Alameda Times-Star, a newspaper of general circulation published daily except Sunday

in the said City of Alameda and the official newspaper of said City, and in each edition thereof during said day of publication.

The said Council caused a copy of said proposal to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on May 25, 1964, advertised in said Alameda Times-Star daily, except Sunday, until the day fixed for said election, a notice that copies of said proposal could be had on application therefor at the office of the City Clerk of said City and that printed copies of said proposal were on hand and could be had on application therefor at said office of said City Clerk from May 25, 1964, up to and including the day fixed for said election.

The said special municipal charter amendment election of the City of Alameda was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 30th day of June, 1964, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposal in said Alameda Times-Star.

That the Council of said City of Alameda did, in the manner provided by law, duly and regularly canvass all ballots cast at said special municipal charter amendment election of the City of Alameda, as aforesaid, and did, by resolution duly adopted on July 7, 1964, duly find and declare that a majority of the qualified voters voting on such proposal voted in favor thereof and that said proposal to amend the Charter of said City was ratified.

That a majority of the qualified voters voting on said proposal voted in favor of the ratification of and did ratify said proposal to amend said charter of said City.

That said charter amendment so ratified by the majority of the qualified voters of said City voting at said special municipal charter amendment election is in the words and figures following, to-wit:

CHARTER MEASURE

By adopting Section 25-1 of a new Article XXV, which reads as follows:

"Article XXV

"Section 25-1. Urban Renewal, area redevelopment pursuant to Federal or State aid shall not be adopted in the City of Alameda without a vote of the people."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Alameda with the original proposal submitting the same to the electors of said City and find that

the foregoing is a full, true and correct copy of said amendment.

The foregoing proposed and ratified amendment to the Charter of the City of Alameda is hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Alameda to be affixed hereto this 16th day of December, 1964.

(SEAL)

W. S. GODFREY
Mayor of the City of Alameda
SHIRLEY H. TENNIER
City Clerk of the City of Alameda

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Alameda, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as amendment to and as part of the Charter of said City of Alameda.

CHAPTER 33

Senate Joint Resolution No. 6—Relative to a National Indian Day.

[Filed with Secretary of State March 4, 1965]

WHEREAS, The Congress of the United States has by congressional act requested national recognition for individuals and organizations who have contributed to the culture, history, and growth of the United States of America; and

WHEREAS, Historians, cultural societies, and prominent civic leaders have repeatedly emphasized in public pronouncements and upon festive occasions that the only true historical and

cultural background for this nation is that which belongs to the American Indian; and

WHEREAS, It would be impossible to prepare the annals of this country without referring to the American Indians who contributed so much to this nation's traditions, progress, way of life, society and national character;

WHEREAS, It is therefore appropriate that this nation set aside one day to commemorate the American Indian for his heritage, which has enriched and become the heritage of all Americans; and

WHEREAS, This body is firmly of the belief that the creation of an American Indian Day would serve to promote mutual respect and understanding between the Indian and non-Indian people of this nation, and would serve to formally recognize the great contributions Indian culture has made to our national character; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact a law designating the fourth Friday of September of every year as American Indian Day; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in Congress of the United States.

CHAPTER 34

Assembly Joint Resolution No. 10—Relating to construction of Eel River levees and flood control dams.

[Filed with Secretary of State March 4, 1965.]

WHEREAS, The United States Army Corps of Engineers' plan for a levee system for the lower Eel River would have been adequate, with only minor modifications, to have contained the disastrous December 1964 flood; and

WHEREAS, The Eel River Delta levee system is ready for congressional authorization and funding of the project at the same time as the authorization will eliminate considerable lost time and set the project ahead for the start of construction this year; and

WHEREAS, The second vital step in controlling the Eel River is the development of a comprehensive study of the upstream reservoirs required to adequately protect the area from future floods; and

WHEREAS, The tremendous losses of the 1964 floods establish beyond question the overriding need for an adequate system of protection for this area to protect human life and

property and to avoid future tragedies of this nature; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is requested to authorize and fund the Eel River Delta levee system at the earliest possible date and to provide the necessary funds for the Army Corps of Engineers to accelerate their studies for upstream reservoirs on the Eel River; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 35

Assembly Concurrent Resolution No. 25—Relative to the California State College at Los Angeles football team.

[Filed with Secretary of State March 9, 1965]

WHEREAS, The California State College at Los Angeles football team, known as the Diablos, registered its most successful season in the 14-year gridiron history of the school in 1964, posting an unblemished record of nine wins and no losses; and

WHEREAS, The Diablos received numerous honors for their great achievement, including being voted the number one team in the nation in a landslide ballot in the United Press International's final college-division poll, by its board of coaches, and being named as the number three team, only points away from the top spot, by the Associated Press Poll of sportswriters; and

WHEREAS, The team captured the school's second consecutive California Collegiate Athletic Association championship, dominating this always rugged league of opponents, and setting no less than 31 new team and individual records for the college; and

WHEREAS, The consistently brilliant and courageous play of Little All-American Walter Johnson, and Southern California's "College Player of the Year," Dunn Marteen, deserve special mention; and

WHEREAS, Coach Homer Beatty received the highest honor which can be bestowed upon a member of his profession when he was named as the Coach of the Year in the college division by his brother coaches of the American Football Coaches Association; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature congratulate the players, Coach Homer Beatty, and the student body of California State College at Los An-

geles for their splendid display of athletic achievements; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the students and faculty of California State College at Los Angeles.

CHAPTER 36

Assembly Concurrent Resolution No. 31—Relative to congratulating "Disneyland" on the occasion of its "tencennial" celebration.

[Filed with Secretary of State March 11, 1965.]

WHEREAS, The Magic Kingdom of Disneyland in the City of Anaheim, Orange County, California, first opened its gates to the world 10 years ago; and

WHEREAS, Walt Disney has received acclaim and honors from throughout the world for the distinctive imagination and unique qualities which characterize his creative works in motion pictures, television, and music, and as the designer and architect of Disneyland; and

WHEREAS, During the past decade more than 50 million visitors from California, all other 49 states and 116 foreign nations have visited and enjoyed the adventures, attractions, and artistry to be found in Walt Disney's Magic Kingdom; and

WHEREAS, Disneyland, by attracting these millions of visitors from throughout the United States and abroad to visit California, Orange County, and Anaheim, has played an important part in the economic growth and prosperity of our state; and

WHEREAS, Walt Disney as a citizen of the State of California has on many occasions throughout the past 35 years given distinguished service to our state and his fellow citizens; and

WHEREAS, The name of Walt Disney in every field of entertainment and recreation has become synonymous with the finest standards of family entertainment; and

WHEREAS, The year 1965 is recognized as the "Tencennial" Anniversary of Disneyland; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their heartiest congratulations and best wishes to Walt Disney, his entire creative staff and to all Disneyland employees; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit suitably prepared copies of this resolution to Walt Disney.

CHAPTER 37

Senate Joint Resolution No. 13—Relative to scheduled airline travel between California and the western coast of South America.

[Filed with Secretary of State March 11, 1965.]

WHEREAS, At present there are no flights by an airline from California directly to the western coast of South America and the principal cities thereof such as Lima, Peru and Santiago, Chile; and

WHEREAS, Pan American Airways, in conjunction with Pan American-Grace Airways, has made application to the Civil Aeronautics Board (Docket No. 15796) to initiate scheduled flights from California to western South America; and

WHEREAS, Approval from the Civil Aeronautics Board has not yet been secured; and

WHEREAS, Nearly 20,000 passengers (12,000 of them Californians) a year would benefit from a direct flight to the western coast of South America, which would displace a now lengthy and interrupted schedule of travel necessary to reach that important area of the world; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Members of the Legislature request the parties involved to take whatever steps are necessary to initiate the establishment of one-plane through service for airline travel between California and the great cities of western South America, and request the Civil Aeronautics Board to approve the establishment of such service; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Civil Aeronautics Board, Pan American Airways, and Pan American-Grace Airways.

CHAPTER 38

Assembly Concurrent Resolution No. 39— Relative to the death of George D. Collins, Jr.

[Filed with Secretary of State March 15, 1965.]

WHEREAS, It was with great sadness that the Members of the Legislature learned of the death on January 28, 1965, of their friend and former colleague, George D. Collins, Jr.; and

WHEREAS, George D. Collins, Jr., was born in San Francisco before the turn of the century and was a graduate of the University of California and Hastings College of Law; and

WHEREAS, After being admitted to the bar in 1917, he entered into the general practice of law and quickly proved to be a skillful attorney who possessed a vast knowledge of the law and a keen sense of justice; and

WHEREAS, The people of San Francisco recognized the talent, ability and versatility of this outstanding man and in 1938 and seven times thereafter they sent him to the Assembly of the State of California as their elected representative; and

WHEREAS, During his long career in the Legislature George Collins acquired a reputation as a legislator of ability, integrity and foresight who possessed the courage to vote his convictions and who was guided always by his sincere interest in the welfare and prosperity of the people whom he represented; and

WHEREAS, He was the author of many important measures which proved of great value to the people of this state, and he served with distinction on numerous committees, including Ways and Means and Revenue and Taxation; and

WHEREAS, A gentle and quiet-voiced man, George D. Collins, Jr., will be missed by his many friends; now, therefore, be it

Resolved by the Assembly of the State of California, That the members hereby pay tribute to the memory of their former colleague, George D. Collins, Jr., and extend their sincere and heartfelt condolences to the members of his family; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mr. Collins' sister, Consuelo O'Connell, to his nephew, Howard Collins, and to his nieces, Velma Grillo, Margie Owen, and Virginia Ramsey.

CHAPTER 39

Assembly Concurrent Resolution No. 55—Memorializing John W. McElheney.

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

WHEREAS, It is with a profound sense of loss that the Members of the Legislature have learned of the sudden death of Mr. John W. McElheney, Chief Counsel of the California State Employees Association; and

WHEREAS, Mr. McElheney, a native of Los Angeles and a graduate of Loyola Law School, came to Sacramento in 1955, after serving as Deputy City Attorney and City Prosecutor for the City of Glendale and became a hearing officer for the State of California; and

WHEREAS, In 1959 he joined the California State Employees Association as Chief Counsel and, except for an eight-month leave in 1962 when he acted as a Commissioner of the Los Angeles County Superior Court, he held that position until his death; and

WHEREAS, As Chief Counsel of the C.S.E.A., Mr. McElheney served most ably as the representative of more than 100,000 state employees and, particularly in the legislative field, he made a distinguished and outstanding contribution

to the welfare and employment relations of state employees everywhere; and

WHEREAS, Throughout his association with the Legislature, Mr. McElheney proved himself a man of great integrity and competence and was of immense assistance to the members of this body in performing their legislative duties; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature express their deep regret at the passing of this outstanding man and extend their sympathy to Mrs. Mary McElheney, the widow of John W. McElheney, and to his daughter, Mrs. Leann Woodward of Hawaii, and to his sister Miss Alice McElheney of Los Angeles; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mrs. Mary McElheney, Mrs. Leann Woodward, Miss Alice McElheney, and to Robert J. Spiegel, President, and S. G. Hanson, General Manager, California State Employees' Association.

CHAPTER 40

Assembly Joint Resolution No. 1—Relative to agricultural workers.

[Filed with Secretary of State March 18, 1965]

WHEREAS, The production, processing and sale of agricultural commodities constitutes a substantial portion of the economic life of the State of California and our nation; and

WHEREAS, The ready availability of wholesome, reasonably priced agricultural commodities is essential to the continued physical health of the citizens of this state and of the United States; and

WHEREAS, Without sufficient, experienced and competent agricultural workers, our farmers cannot grow enough agricultural products to provide the raw materials necessary to maintain the required level of production of these agricultural commodities; and

WHEREAS, An adequate wage for agricultural workers is essential to secure and maintain the sufficient, experienced and competent force of agricultural workers necessary to produce our agricultural products; and

WHEREAS, In the past agricultural workers in many areas of this country have not received wages adequate to induce sufficient workers to secure and continue in agricultural employment and thus our necessary force of agricultural workers is endangered; and

WHEREAS, Because of the keen competition which exists between the various producers of agricultural goods for sale throughout the United States this lack of uniformity in the

payment of agricultural wages in the various areas of the United States also has a seriously detrimental effect upon the economy of those areas, of which California is one, wherein higher wages are paid agricultural workers because it places these areas wherein higher wages are paid at a competitive disadvantage in their efforts to market their agricultural commodities; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the California State Legislature respectfully memorializes the Congress of the United States to enact a national minimum farm wage equal to the highest statewide minimum farm wage paid in any of the 48 contiguous states; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 41

Assembly Concurrent Resolution No. 38—Relative to approving amendments to the Charter of the County of Alameda, State of California, ratified by the qualified electors of the county at an election held therein on the 2nd day of June, 1964.

[Filed with Secretary of State March 18, 1965]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of amendments to the Charter of the County of Alameda, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and the clerk of the board of supervisors of the county, as follows:

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE 2ND DAY OF JUNE, 1964.

Preamble

Be it known that:

Whereas, the County of Alameda, State of California, has at all times mentioned herein been and now is a body politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and

by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927, and filed in the Office of the Secretary of State on the 18th day of January, 1927, (Stats. 1927, pp. 2029); and

Whereas, the Board of Supervisors pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California, by its Resolution No. 107271 adopted April 2, 1964, duly proposed and ordered submitted to the qualified electors of said County of Alameda at the election to be held in said County on the 2nd day of June, 1964, proposed amendments to the Charter of the County of Alameda, and duly ordered that said proposals should be forthwith published for ten times in the Oakland Tribune, a daily newspaper of general circulation, printed, published and circulated in said County of Alameda, which said proposals were set forth in full and at length, and were, and are, in words and figures hereinafter set forth; and

Whereas, thereafter the said proposed amendments to the Charter of said County of Alameda were duly published in full and at length in said newspaper for ten times and on the following dates, to wit: April 23, 24, 25, 26, 27, 28, 29, 30 and May 1, and 2, 1964, and said election at which said proposals were submitted to the vote of qualified electors of said County was not less than thirty (30) days nor more than sixty (60) days after publication of said proposals as aforesaid; and

Whereas, subsequent to the adoption of Resolution No. 107271 above mentioned, said Board of Supervisors by Resolution No. 107272 adopted April 2, 1964, duly prescribed the form and titles to be printed on the election ballot to be used at said election on June 2, 1964, for the submission of said proposals, which said form and title is hereinafter set forth, and in which said form and under which said title said proposals appeared on said ballot; and

Whereas, at said election said proposals were duly submitted to the vote of the qualified electors of said County and appeared on the ballot at said election in the following form, to wit:

Amendments to the Charter of the County of Alameda

Shall Section 44 of the Charter of the County of Alameda, which prohibits favoritism or discrimination because of political or religious opinions or affiliations be amended to also prohibit favoritism or discrimination because of race or national origin?	YES	
	NO	

Shall the Charter of the County of Alameda be amended to provide that the Director of Public Works shall be an officer appointed pursuant to civil service and that the Surveyor, who is presently elected, be an officer appointed pursuant to civil service; that said offices may be consolidated by ordinance; this amendment not to affect the tenure in office of an elective incumbent occupying the office of Surveyor on the date that this amendment becomes effective, and to repeal Section 32 of the Charter, which presently provides that the Surveyor control construction and repair of bridges, roads, county quarries and related public works, and be the Road Commissioner, effective as of the end of the term for which the incumbent Surveyor shall have been elected, or upon the date of a vacancy in said office, whichever first occurs?	YES	
	NO	
Shall Section 48 of the Charter of the County of Alameda, relating to the fixing of compensation, be amended to provide that the Board of Supervisors shall provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to public employers and private persons, firms or corporations?	YES	
	NO	

and

Whereas, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposals were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

Whereas, returns of said county election held in the County of Alameda on the 2nd day of June, 1964, at which said election said proposals were duly submitted to the vote of the qualified electors of said County, were made to and canvassed by the County Clerk of the County of Alameda, who is duly authorized, and said County Clerk did certify the same to the Board of Supervisors of said County, and the Clerk of said Board of Supervisors duly entered on the records of said Board of Supervisors on the 30th day of June, 1964, in Minute

Book, Reel 10, Image 1488, a statement of the results of said canvass and said election; and

Whereas, a majority of the qualified electors voting thereon at said election voted in favor of the adoption of said amendments to the Charter of the County of Alameda; and

Whereas, said amendments so ratified by the electors of said County of Alameda at said election held on June 2, 1964, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California;

Now, therefore, the undersigned John D. Murphy, Chairman of the Board of Supervisors of the County of Alameda, State of California, and Jack G. Blue, County Clerk and ex officio Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signatures with the official seal of the said Board of Supervisors of the County of Alameda, do hereby certify that said amendments to said Charter of said County so ratified by the majority of the electors voting thereon at said election held on the 2nd day of June, 1964, as submitted to said electors are in words and figures as follows, and are and shall, if so approved by said Legislature, be in the words and figures following, to wit:

Proposal One

To Amend Section 44 of the Charter of the County of Alameda, Which Prohibits Favoritism or Discrimination Because of Political or Religious Opinions or Affiliations, to Also Prohibit Favoritism or Discrimination Because of Race or National Origin,

by amending said Section 44 of the said Charter to read as follows, to wit:

"Section 44: No person in the classified civil service or seeking admission thereto, shall be appointed, reduced or removed, or in any way favored or discriminated against because of his political or religious opinions or affiliations or because of race or national origin."

Proposal Two

To Amend the Charter of the County of Alameda to Provide That the Director of Public Works Shall Be an Officer Appointed Pursuant to Civil Service and That the Surveyor, Who Is Presently Elected, Be an Officer Appointed Pursuant to Civil Service; That Said Offices May Be Consolidated by Ordinance; This Amendment Not to Affect the Tenure in Office of an Elective Incumbent Occupying the Office of the Surveyor on the Date This Amendment Becomes Effective, and to Repeal Section 32 of the Charter, Which Presently Provides That the Surveyor Control Construction and Re-

pair of Bridges, Roads, County Quarries and Related Public Works, and Be the Road Commissioner, Effective as of the End of the Term for Which the Incumbent Surveyor Shall Have Been Elected, or Upon the Date of a Vacancy in Said Office, Whichever First Occurs,

by repealing Section 32 of the County Charter and by adding the words "Director of Public Works" and "Surveyor" to Section 17 of the Charter, which specifies the appointive county officers, by deleting the word "Surveyor" from Section 15 of the Charter, which specifies the elective county officers, and by adding Section 17.3 of the Charter to read as follows:

"Section 17.3: The amendment of Sections 15 and 17, to provide that the office of Surveyor shall be appointive, shall not affect the tenure in office of the elective incumbent Surveyor in office at the time said amendment becomes effective, and said officer shall hold said office until expiration of the term for which he shall have been elected; provided however, that should a vacancy sooner occur, the Board of Supervisors may appoint a successor pursuant to Section 17. At any time that the Board of Supervisors may appoint a Surveyor, said Board may also, by ordinance, consolidate said office with the office of Director of Public Works. The Director of Public Works shall perform such functions and duties as shall be specified hereafter by ordinance. The Director of Public Works and the appointive Surveyor shall be in the classified civil service. Section 32 of this Charter is hereby repealed effective on the date of the expiration of the term of the incumbent Surveyor in office at the time this amendment becomes effective, or upon the date of a vacancy in said office, whichever first occurs."

Proposal Three

To amend Section 48 of the Charter of the County of Alameda, relating to the fixing of compensation, to provide that the Board of Supervisors shall provide a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to public employers and private persons, firms or corporation,

by amending Section 48 of the said Charter to read as follows, to wit:

"Section 48: In fixing compensation, the Board of Supervisors shall in each instance provide a salary or wage at least equal to the prevailing salary or wage, for the same quality of service rendered to public employers and private persons, firms or corporations under similar employment, in case such prevailing salary or wage can be ascertained."

We hereby certify that the facts set forth in the Preamble of this certificate preceding said amendments to said Charter are, and each of them is, true; and for and on behalf of said County of Alameda we, being duly authorized, do hereby request the Legislature of the State of California to approve

said amendments to said Charter, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Alameda, State of California, this 26th day of January, 1965.

JOHN D. MURPHY
(SEAL) Chairman of the Board of Supervisors of the County of Alameda, State of California
JACK G. BLUE
County Clerk and ex officio Clerk of the Board of Supervisors of the County of Alameda, State of California

Attest:
JACK G. BLUE
County Clerk and ex officio
Clerk of the Board of Supervisors
of the County of Alameda,
State of California

Approved as to Form
J. F. COAKLEY, District Attorney
By _____Deputy

The Board of Supervisors of the County of Alameda, State of California

On motion of Supervisor _____, Seconded by Supervisor _____, and approved by the following vote,

Ayes: Supervisors _____
Noes: Supervisors _____
Excused or Absent: Supervisors _____

The Following Resolution Was Adopted: Execute Certificate Number 110835

Be it resolved that the Chairman of the Board of Supervisors and the County Clerk of Alameda County be and they are hereby authorized and directed to execute on behalf of the County of Alameda that certain Certificate of County Clerk of the County of Alameda, State of California, and Chairman of the Board of Supervisors of the County of Alameda, State of California, as to Adoption and Ratification of Certain Amendments to the Charter of Said County of Alameda, Submitted to the Qualified Electors of the Said County of Alameda on the 2nd Day of June, 1964.

I certify that the foregoing is a correct copy of a resolution adopted by the Board of Supervisors, Alameda County, California January 26, 1965.

(SEAL)

Attest January 26, 1965
JACK G. BLUE,
County Clerk & Ex-Officio Clerk of
the Board of Supervisors
ANN E. WHIPPLE
Deputy

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the County of Alameda, as presented to and adopted and ratified by the electors of the county, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the Charter of the County of Alameda.

CHAPTER 42

Senate Joint Resolution No. 9—Relative to the Auburn Dam and Folsom South Canal.

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

WHEREAS, There has been submitted to the Congress of the United States legislation to authorize construction by the Secretary of the Interior, as part of the Central Valley project, of both the Auburn Dam on the American River and the Folsom South Canal; and

WHEREAS, This proposed development is known to be economically justified, and has been determined to be engineeringly feasible; and

WHEREAS, The multiple-purpose project of the Auburn Dam will furnish additional water which can be used in the American River watershed, the Sacramento-San Joaquin Delta region, the San Joaquin Valley, and areas to the south, and will produce additional electric power which would be available for pumping water to areas of deficiency in California's statewide water program; and

WHEREAS, The devastating storms and floods occurring recently have again endangered many lives and done great dam-

age to public and private property in the American River watershed and the Sacramento-San Joaquin Delta region; and

WHEREAS, Construction of the Auburn Dam would greatly reduce the danger of future loss of life and injury to persons and property caused by floods in these areas; and

WHEREAS, The Folsom South Canal will serve to bring urgently needed supplemental water supplies to areas in the Sacramento-San Joaquin Delta region and the northern San Joaquin Valley area, which supplies would be made available from storage of water in Folsom Reservoir, as supplemented by the proposed Auburn Dam and Reservoir; and

WHEREAS, Both the proposed Auburn Dam and the Folsom South Canal are part of the California Water Plan and would complement the state's efforts to meet the water requirements of California's rapidly expanding population; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact into law, at the earliest possible time, the necessary legislation to authorize the construction of the Auburn Dam and the Folsom South Canal, including authorization to include in such canal and related operating structures such additional works or capacity as the Secretary of Interior deems necessary and economically justified to provide for the future construction of the east side division of the Central Valley project, provided that the incremental cost of providing additional works or capacity in the Folsom South Canal to serve the east side division of the Central Valley project shall be assigned to deferred use for repayment from Central Valley project revenues; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 43

Assembly Joint Resolution No. 14—Relative to the San Francisco Mint.

[Filed with Secretary of State March 22, 1965.]

WHEREAS, The current shortage of coins, which is hamstringing business and industry in this nation, is particularly acute in the San Francisco-Oakland metropolitan area; and

WHEREAS, The rapid increase in the population of the San Francisco-Oakland metropolitan area, with the boom in busi-

ness and industry which has accompanied it, has skyrocketed the demand for coins in this area; and

WHEREAS, The 12th Federal Reserve District, with headquarters in San Francisco, now receives and distributes more coins than any other Federal Reserve district; and

WHEREAS, The Philadelphia and Denver Mints, which are the only two mints in the country that are presently producing coins, are already working day and night, seven days a week, and still have not been able to produce sufficient coins to satisfy the need for them; and

WHEREAS, The reopening of the San Francisco Mint would reduce the costs of minting and distributing coins and make sufficient coins available to eliminate the current shortage of coins in not only the San Francisco-Oakland metropolitan area, but throughout the nation; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take such action as may be necessary to reopen the San Francisco Mint; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 44

Senate Joint Resolution No. 20—Relative to Morro Bay Rock.

[Filed with Secretary of State March 23, 1965.]

WHEREAS, While title to Morro Bay Rock has been conveyed to the state by the federal government, the grant deed reserved to the United States the right to resume ownership, possession, and control, for government purposes, of any of the property, at any time, without the consent of the state; and

WHEREAS, In view of this reservation of interest by the federal government, the state now has little control over Morro Bay Rock; and

WHEREAS, The United States Army Corps of Engineers has removed quantities of material from Morro Bay Rock for repair to a harbor jetty which is causing the disfiguration of its natural value; and

WHEREAS, The Corps of Engineers is considering resumption of quarrying operations on Morro Bay Rock; and

WHEREAS, Any extra cost which may be incurred from using an alternate source of rock for harbor projects would be small compared to the aesthetic loss which would be caused through further quarrying of this landmark; and

WHEREAS, In order that Morro Bay Rock can be preserved and protected as a point of scenic interest for all peoples it is imperative that the federal government convey its remaining interest to the state; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is respectfully requested to enact such legislation as may be necessary to convey the remaining interest of the United States in Morro Bay Rock to the State of California; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 45

Assembly Concurrent Resolution No. 62—Relative to St. Patrick's Day.

[Filed with Secretary of State March 24, 1965.]

WHEREAS, March 17, 1965, is St. Patrick's Day; and

WHEREAS, On that day the young and old pause in their busy deliberations to honor the memory of a bold and fearless young man who in a few short years of labor with a sword of truth and the word of the Gospel so radically changed the history of the Emerald Isle and indeed of every nation where the Sons of Erin have traveled; and

WHEREAS, This man of God not only filled the Irish people with a deep love for their Creator but also gave them the priceless gifts of courage, generosity and humor; and

WHEREAS, The influence of Saint Patrick has spread far since the onetime slave boy voluntarily returned to the scene of his slavery to convert his former masters; and

WHEREAS, He has become the link which joins together those of Irish descent in every nation and those who cherish freedom and democracy; and

WHEREAS, The Legislature of the State of California deems it fitting and proper that the Patron Saint of Ireland, Saint Patrick, be honored on March 17; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this body, along with the people of California, pay homage to Saint Patrick, the Patron Saint of Ireland, great scholar and man of God; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the Honorable Eamon de Valera, President of Eire; the Honorable Sean Lemass, Prime Minister of Eire; the Honor-

able C. V. Whelan, Consul General of Ireland in San Francisco; Rev. Kevin C. Moriarity, Chaplain of the United Irish Societies of San Francisco; Andrew A. McKenna, President, United Irish Societies of San Francisco; Edward McEwen, State President, Ancient Order of Hibernians in America; James Ryan, Sacramento President, Ancient Order of Hibernians in America; Honorable George R. Reilly, cochairman, St. Patrick's Day Parade, San Francisco; Malachy Ruane, cochairman, St. Patrick's Day Parade, San Francisco, and Past President, United Irish Societies of San Francisco.

CHAPTER 46

Assembly Concurrent Resolution No. 15—Relative to congratulating Dr. Martin Luther King as recipient of the Nobel Prize for Peace.

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

WHEREAS, As president of the Southern Christian Leadership Conference, Dr. Martin Luther King, Jr., has been in the vanguard of the struggle by the American Negro for first-class citizenship; and

WHEREAS, In his profound wisdom he has recognized that nonviolence is the answer to the crucial moral and political question of our time, namely, the need for man to overcome hatred and oppression without resorting to hatred and oppression; and

WHEREAS, The chairman of the Norwegian Parliament's Nobel Committee has said of Dr. King:

"He is the first person in the western world to have shown us that a struggle can be waged without violence.

"He is the first to make the message of brotherly love a reality in the course of his struggle and he has proclaimed a message to all men, to all nations and races.

"Today we pay our tribute to Martin Luther King, the man who has never abandoned his faith in the unarmed struggle he is waging, who has suffered for his faith, been imprisoned on many occasions, whose home has been subject to bomb attacks, whose life and those of his family have been threatened and who nevertheless has never faltered;" and

WHEREAS, Dr. Martin Luther King, Jr., has been awarded the 1964 Nobel Prize for Peace and has accepted this highest of tributes on behalf of the American civil rights movement; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members extend congratulations to Dr. Martin Luther King, Jr., in recognition of his being awarded the Nobel Prize for Peace and express their ap-

preciation for his wisdom and leadership in the struggle for equal rights for the American Negro; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Dr. King.

CHAPTER 47

Assembly Concurrent Resolution No. 44—Relative to commending C. Carson Conrad.

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

WHEREAS, C. Carson Conrad, Chief, Bureau of Health Education, Physical Education, and Recreation in the California State Department of Education, has served as Special Advisor for the President's Council on Physical Fitness since his appointment by President John F. Kennedy, March 29, 1961; and

WHEREAS, He has assisted materially in the development of the national physical fitness program and wrote the council's publication, Adult Physical Fitness, which is the all-time, best-seller of United States government publications; and

WHEREAS, Mr. Conrad was instrumental in organizing the council's regional physical fitness clinics and has been a key member of the staff for five clinics covering 30 states; and

WHEREAS, Since 1955 he has acted as coordinator for the California Project on Fitness involving 14 professional and allied associations and three state agencies which assist in implementing the physical fitness program in California; and

WHEREAS, He administers the state program of physical education which has been commended by the President's council and other national professional authorities as being the model for other states; and

WHEREAS, He supervises the state program of high school athletics which prompted the state to be cited recently by United States Olympic officials as being the world center of excellence and which contributed 103 California high school products to the 1964 Olympic team, which was 35 percent of the total team, and who won 32 of the 90 Olympic medals won by the United States; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature highly commend and congratulate C. Carson Conrad for the recognition justly accorded him by Presidents John F. Kennedy and Lyndon B. Johnson for the national acclaim given California programs of physical education, athletics and physical fitness under his outstanding leadership; and be it further

Resolved, That the Chief Clerk of the Assembly transmit two suitably prepared copies of this resolution to C. Carson Con-

rad, and a copy to each member of the State Board of Education, the State Superintendent of Public Instruction, and Stan Musial of the President's Council on Physical Fitness.

CHAPTER 48

Assembly Concurrent Resolution No. 58—Approving certain amendments to the Charter of the City of Chula Vista, a municipal corporation in the County of San Diego, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on April 14, 1964.

[Filed with Secretary of State March 26, 1965]

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

State of California }
County of San Diego } ss.

We, the undersigned, Keith Menzel, Mayor of the City of Chula Vista, and Kenneth Campbell, City Clerk of said city, do hereby certify and declare as follows:

The City of Chula Vista, a municipal corporation, is now and since the year 1949 has been organized and existing under and pursuant to the provisions of a freeholders' charter adopted in accordance with and by virtue of the provisions of Section 8 Article XI of the Constitution of the State of California.

That pursuant to and in accordance with the provisions of Section 8 Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion proposed to the qualified electors of the City of Chula Vista certain amendments to the Charter of said City, which amendments were designated as Propositions A, B, C, D, and E and submitted said propositions to the qualified electors of the City of Chula Vista at the regular municipal election held on April 14, 1964.

That said proposed charter amendments were published and advertised in the Chula Vista Star News, a newspaper duly designated and qualified as a newspaper entitled to publish legal notices, published in the City of Chula Vista and published in the editions of February 18, 1964, March 12, 1964 and March 19, 1964.

That copies of said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten point, and were mailed to each of the qualified electors of said city, and that until the date fixed for the elections herein described a notice was advertised and published in the Chula Vista Star News, a daily newspaper of general circulation published in the City of Chula Vista, and the official newspaper of said city, that copies of said proposed charter amendments could be had upon application therefor at the office of the City Clerk of the City of Chula Vista.

That such copies of said proposed charter amendments could be had upon application therefor at the office of the city clerk of said city until the date fixed for said election.

That said proposed amendments were submitted to the qualified electors of said city at said Regular Municipal Election held in said city.

That at said election on the said proposed amendments to the Charter of the City of Chula Vista, a majority of the qualified voters of the City voting on said proposed amendments voted in favor of Propositions A, B, C, D, and E and said proposed amendments were ratified by a majority of the qualified electors of said city voting thereon.

That all of said proceedings were duly and regularly had and taken in accordance with said Section 8 of Article XI of the Constitution of the State of California and the Charter of the City of Chula Vista and the laws of the State of California.

That as to the amendments to the Charter of the City of Chula Vista hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That the proposed amendments to the Charter of the City of Chula Vista which were so ratified by a majority of the electors of said city, are in words and figures as follows:

PROPOSITION A.

Amend Article V of the Charter of the City of Chula Vista to be and to read as follows:

Article V—Officers and Employees, Section 511

"(a) The City Council shall not appoint to a salaried position under the City Government any person who is a relative by blood or marriage within the third degree of any one or more members of such City Council, provided that such prohibition shall not apply to persons who achieved permanent salaried status prior to the date upon which any such relative became elected or appointed to such City Council.

"(b) No department head or other officer having appointive power shall appoint to a salaried position under the City Government any person who is a relative of such appointing authority within the third degree by blood or marriage, provided that such prohibition shall not apply to persons who

achieved permanent salaried position prior to the effective date of such appointing authority assuming such position, and provided the Chief Administrative Officer approves in writing such appointment."

PROPOSITION B

Amend Article XII of the Charter of the City of Chula Vista to be and to read as follows:

Article XII—Board of Education, Section 1200

"There shall be a board of education which shall consist of five members elected from the school district at large, at the times and in the manner in this Charter provided, and who shall serve a term of four years and until their successors are elected and qualified. Members of the board of education shall receive no compensation for their services as such, but each member shall be entitled to receive the sum of Twenty-Five Dollars ($25.00) per month which amount shall be deemed to be reimbursement of out-of-pocket expenditures and costs imposed upon such member for serving on the board of education. Such payments shall commence upon the filing with the City Clerk a true copy of a Resolution or Ordinance declaring that it is the desire of the Board of Education to receive such payments; unless such Resolution or Ordinance is adopted or passed by the board of education such payments shall not be made."

PROPOSITION C.

Amend Article XII of the Charter of the City of Chula Vista to be and to read as follows:

Article XII—Board of Education, Section 1203

"Generally. A vacancy in the board of education from whatever cause arising shall be filled by appointment by the board of education within sixty (60) days after such vacancy occurs; the board's power to fill such vacancy by appointment shall cease upon the expiration of the said sixty (60) day period. Such appointee shall hold office until the next general municipal election and until his successor is elected and qualified. At the next general municipal election following any vacancy, a new member shall be elected to serve for the remaining period of any unexpired term."

"Declaration of vacancy. If a member of the board of education absents himself from all regular meetings of the board for a period of sixty days, consecutively, unless by permission of the board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the school district, his office shall become vacant and shall be so declared by the board of education."

PROPOSITION D.

Amend Article III of the Charter of the City of Chula Vista to be and to read as follows:

Article III—City Council, Section 303

"A vacancy in the city council from whatever cause arising shall be filled by appointment by the city council, within sixty (60) days after such vacancy occurs. The city council's power to fill such vacancy shall cease upon the expiration of such sixty (60) day period. Such appointee shall hold office until the first Tuesday following the next general municipal election and until his successor is qualified. At the next general municipal election following any vacancy, a councilman shall be elected to serve for the remainder of any unexpired term.

If a member of the city council absents himself from all regular meetings of the city council for a period of sixty (60) days consecutively from and after the last regular city council meeting attended by such member, unless by permission of the city council expressed in its official minutes, or is convicted of a crime involving moral turpitude, his office shall become vacant.

"The city council shall declare the existence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy."

PROPOSITION E.

Article XIII, of the Charter of the City of Chula Vista dealing with the City Court shall be deleted and repealed.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of The City of Chula Vista with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said The City of Chula Vista to be affixed hereto this 25th day of January, 1965.

(SEAL)

KEITH MENZEL
Mayor of The City of
Chula Vista, California
KENNETH CAMPBELL
City Clerk of The City of
Chula Vista, California

and

WHEREAS, Said proposed charter amendments are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or

amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Chula Vista, herein set forth, as submitted to and adopted and ratified by the qualified electors of said city, be, and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of said the City of Chula Vista.

CHAPTER 49

Senate Concurrent Resolution No. 11—Approving a certain amendment to the Charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of the city at a special municipal charter amendment election held therein on the 2nd day of June, 1964.

[Filed with Secretary of State March 29, 1965.]

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

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SANTA CRUZ OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Santa Cruz } ss:
City of Santa Cruz }

We, the undersigned, Norman S. Lezin, Mayor of the City of Santa Cruz, and A. J. Miller, City Clerk of the City of Santa Cruz, do hereby certify and declare as follows:

That the City of Santa Cruz, County of Santa Cruz, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1948 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 2nd day of March, 1948, and approved by the Legislature of the State of California by

concurrent resolution filed with the Secretary of State on the 27th day of March, 1948 (Statutes of 1948, page 312).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Santa Cruz, being the legislative body of said city, on its own motion, by its Resolution No. NS-7444, adopted on March 24, 1964, duly and regularly proposed and submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Resolution No. NS-7445 with the primary election held in said City on June 2, 1964.

That said proposed amendment was published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 19th day of April, 1964, in the Santa Cruz Sentinel, the official newspaper of said City of Santa Cruz, a newspaper of general circulation printed and published in said City of Santa Cruz, and in each edition thereof during said day of publication.

That said primary election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 2nd day of June, 1964, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said Santa Cruz Sentinel.

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said proposed amendment to said charter.

That the Council of said City of Santa Cruz on July 14, 1964, officially confirmed the canvass of all ballots cast at said primary election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendment, voted in favor thereof and that said charter amendment was ratified.

That said charter amendment so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election was to amend Article XVI of said Charter, by amending Sections 1601 through 1611 of Article XVI of the Charter of the City of Santa Cruz in the words and figures following, to wit:

"Section 1601. Schools and Districts. The school department shall comprise all of the territory and public schools of the Santa Cruz High School District and the territory and public schools of the Santa Cruz School District as such districts now or may hereafter exist. For the purpose of fixing the governing board thereof and the number of members of such board, their qualifications, manner of election and other

matters relative thereto, said school department shall be divided into what shall be known as the Santa Cruz City High School District, hereinafter designated as High School District, and the Santa Cruz City Elementary School District, hereinafter designated as Elementary School District.

"Section 1602. Territory of Districts. All of the territory that is now, or that may hereafter be embraced within said High School District or Elementary School District shall be deemed a part of said districts for the purpose of holding elections, and shall comprise such number of election precincts as shall from time to time be designated and defined by the proper authority. All qualified electors within said school districts shall be qualified to vote for members of the Board of Education and on all questions pertaining to school matters submitted to the vote of the people of such districts. All of the territory within said school districts, not within the City of Santa Cruz, shall be deemed to be a part of said City for all matters and things relating to public education authorized for such City school districts by law.

"Section 1603. Board of Education. Membership. Qualifications. The Santa Cruz City High School District and the Santa Cruz School District, as such districts now or may hereafter exist, shall be governed by a Board of Education, which shall be known as the Santa Cruz City Board of Education.

No person shall be eligible to be nominated for, or elected to, said Board of Education unless he is a qualified elector residing within the territory governed by said Board of Education and is otherwise eligible under State law and this Charter to be so nominated or elected.

Said governing Board shall consist of seven (7) members, to be selected as follows:

a. Three (3) members of said Board of Education shall, at the time of their nomination and election, and during the time they hold office, be qualified electors and residents of the City of Santa Cruz;

b. Three (3) members of said Board of Education shall, at the time of their nomination and election, and during the time they hold office, be qualified electors and residents of that portion of the territory governed by said Board of Education lying outside the boundaries of the City of Santa Cruz.

c. One (1) member of said Board of Education may reside anyplace within the territory governed by said Board of Education. No candidate for this office may at the same time be a candidate for any other office on said Board of Education, and every candidate for this office shall specify in his declaration of candidacy or nomination papers that he seeks election to this office.

"Section 1604. Board of Education. Election. Term. Members of the Santa Cruz City Board of Education shall, in all respects not herein otherwise provided for, be elected or appointed at the time, for the terms and in the manner now or as may hereafter be provided by the Education Code

of the State of California for the election or appointment of governing Board members.

"Section 1605. Board of Education. Election. Voter Qualification. All registered voters residing within the territory governed by the Santa Cruz City Board of Education are eligible to vote at all elections held for the election of members of said Board of Education, and each member of said Board of Education shall be elected by the registered voters of the entire territory governed by said Board of Education.

"Section 1606. Filling of Vacancies. Should any vacancy occur in the membership of the Santa Cruz City Board of Education, it shall be filled by majority vote of the remaining members of said Board within thirty (30) days after such vacancy occurs. If said Board shall fail to agree or to make such appointment within thirty (30) days the County Superintendent of Schools shall make the appointment. In neither case shall anyone be appointed who does not possess the qualifications herein provided for election to such office. A person appointed to fill such vacancy on the Santa Cruz City Board of Education shall hold office until the next General Election for School Board Members, at which time a member shall be elected to said Santa Cruz City Board of Education to fill the unexpired term.

"Section 1607. Meetings. Organization of Board. The Santa Cruz City Board of Education shall hold regular meetings at least once each month at such time and place as such Board may determine: provided, that such meetings shall be held at the office of the City Superintendent of Schools unless published notice is given to the contrary. At the first regular meeting in April of each year, the Santa Cruz City Board of Education shall meet and organize and choose one (1) member for President and another for Vice-President, each of whom shall serve for one (1) year.

"Section 1608. Board. Powers and Duties. The Santa Cruz City Board of Education is hereby vested with all the powers and charged with all the duties provided by this Charter and those now or hereafter provided for by the laws of the State of California applicable to such Board of Education.

"Section 1609. City Superintendent of Schools and Secretary of Board. As authorized in the Education Code of the State of California, the Santa Cruz City Board of Education shall appoint a properly qualified person to serve as City Superintendent of Schools and Secretary of the Santa Cruz City Board of Education, and shall delegate to him or her such duties and responsibilities as are provided for in the Education Code of the State of California, and in the rules and regulations of said Santa Cruz City Board of Education.

"Section 1610. General Provisions. All other matters pertaining to the school department, not specifically provided

for in this Charter, shall be governed by the Education Code and general laws of this State.

"Section 1611. First Election. The first election to be held for election of members to the Santa Cruz City Board of Education shall be held on the 3rd Tuesday in April of 1965. The four (4) members receiving the highest number of votes at such election shall serve until the election and qualification of their successors in the second succeeding School Board election. The other three (3) members shall serve only until the election and qualification of their successors in the first succeeding School Board election. Thereafter, each member of the Santa Cruz City Board of Education shall serve the term provided for in the Education Code of the State of California.

The present members of the governing Boards of the Santa Cruz City High School District and the Santa Cruz School District, as constituted under this Charter prior to the effective date of this amendment, shall continue to serve in their present capacity only until the election and qualification in 1965 of the members of the Santa Cruz City Board of Education.

And we and each of us further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Santa Cruz with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Santa Cruz to be affixed hereto this 18th day of August, 1964.

(SEAL)

NORMAN S. LEZIN
Mayor of the City of Santa Cruz
A. J. MILLER
City Clerk of the City of Santa Cruz

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Santa Cruz, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the Charter of said City of Santa Cruz.

CHAPTER 50

Senate Concurrent Resolution No. 39—Relative to the Easter Seal Society.

[Filed with Secretary of State March 29, 1965]

WHEREAS, The Easter Seal Society for Crippled Children and Adults of California, and its 50 affiliated Easter Seal Society organizations throughout the state, has during the past year provided vital rehabilitation and treatment services to 26,724 physically handicapped California children and adults, without regard to the nature of the illness or injury which created the disability or handicapping condition, and without discrimination because of age, sex, racial or national origin or economic status; and

WHEREAS, Through its broad program of public information and education conducted at community, state and national levels, the Easter Seal Society has been instrumental in creating an ever-increasing public understanding and acceptance of the physically handicapped individual as a fully-privileged member of society, an atmosphere in which unprecedented employment, educational and social opportunities are becoming accessible to the physically handicapped of California; and

WHEREAS, The continued growth of California's population poses new demands upon the many special facilities and programs through which local Easter Seal Society organizations provide direct personal services to physically handicapped children and adults, as well as upon the myriad community services in which Easter Seal Society volunteer leaders and professional personnel participate on behalf of the handicapped and disabled; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the period March 1st through April 18th 1965 is hereby designated as Easter Seal Month in California and all the members recommend to the people of California that through their generous support of the 1965 Easter Seal Appeal conducted during this period they insure the continuation and expansion of the Easter Seal Services so important to our handicapped children and adults, and be it further

Resolved, That through this action the Legislature honor the occasion of the visit to its chambers by Steven Krezman of North Highlands, who has been chosen as the 1965 California Easter Seal Child to symbolize the courage and achievements of our handicapped children; and be it further

Resolved, That the Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to the Easter Seal Society for Crippled Children and Adults of California and to Steven Krezman of North Highlands, California.

CHAPTER 51

Senate Joint Resolution No. 14—Relating to increasing psychiatric services available through the United States Veterans Administration to veterans who reside in California.

[Filed with Secretary of State March 29, 1965.]

WHEREAS, Nationally and in California there are increasing demands on the United States Veterans Administration for psychiatric care and this trend will continue and be intensified in the future; and

WHEREAS, California has the largest number of veterans of any state in the union, and its veteran population is continuing to grow although the nation's total number of veterans is decreasing; and

WHEREAS, The ratio of veterans residing in California to Veterans Administration-furnished psychiatric beds in this state has risen from 481 veterans per bed in 1959 to 515 veterans per bed in 1963; and

WHEREAS, Among the eight states with largest veteran populations, California has the highest ratio of veterans per Veterans Administration psychiatric bed and is the only state in which this ratio has risen; and

WHEREAS, The psychiatric beds allocated by the Veterans Administration to California have increasingly fallen behind the national average number and trend of 390 veterans per bed in 1959 and 375 veterans per bed in 1963; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is respectfully memorialized to promptly authorize and direct the United States Veterans Administration to provide and maintain in California, at least as a minimum, the nation's average ratio of psychiatric beds to veterans; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President pro Tempore of the United States Senate, the Speaker of the House of Representatives, and to each Senator and Representative in this state's delegation to the Congress of the United States.

CHAPTER 52

Senate Joint Resolution No. 15—Relating to increasing psychiatric services available through the United States Veterans Administration to veterans who reside in California.

[Filed with Secretary of State March 29, 1965.]

WHEREAS, Nationally and in California there are increasing demands on the United States Veterans Administration for

psychiatric care and this trend will continue and be intensified in the future; and

WHEREAS, California has the largest number of veterans of any state in the union, and its veteran population is continuing to grow although the nation's total number of veterans is decreasing; and

WHEREAS, The ratio of veterans residing in California to Veterans Administration-furnished psychiatric beds in this state has risen from 481 veterans per bed in 1959 to 515 veterans per bed in 1963; and

WHEREAS, Among the eight states with largest veteran populations, California has the highest ratio of veterans per Veterans Administration psychiatric bed and is the only state in which this ratio has risen; and

WHEREAS, The psychiatric beds allocated by the Veterans Administration to California have increasingly fallen behind the national average number and trend of 390 veterans per bed in 1959 and 375 veterans per bed in 1963; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the United States Veterans Administration is memorialized to promptly take such administrative action as may be necessary to provide and maintain in California, at least as a minimum, the nation's average ratio of psychiatric beds to veterans; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President of the United States and to the Administrator of the United States Veterans Administration.

CHAPTER 53

Senate Joint Resolution No. 12—Relative to the Army Corps of Engineers in the bay area.

[Filed with Secretary of State March 30, 1965]

WHEREAS, The United States Army Corps of Engineers has, since 1949, contributed to the development of the San Francisco Bay area through its development of a comprehensive bay survey; and

WHEREAS, To carry out its activities, the Corps of Engineers has constructed and now operates one of the world's most interesting research installations, a large-scale model of the entire San Francisco Bay; and

WHEREAS, The Corps of Engineers has already made significant accomplishments with respect to the effect on the bay of solid fill barriers, the major shoaling pattern of the bay for navigation, the effect on the bay of land reclamation and pollution; and

WHEREAS, There are several projects currently in progress, including tests on the dispersion of pollutants from the Sacramento-San Joaquin Delta, by simulating the discharge of the San Joaquin drain on the model, and investigation of the feasibility of a small craft harbor at Southampton Bay, near Benicia; and

WHEREAS, Further tests are planned to discover the effect of channel deepening and widening on shoaling, maintenance costs and salinity intrusion; and to discover the effects of various degrees of bay fill on tides, waste disposal, salinity, sedimentation and shoaling; and

WHEREAS, It is proposed that the model be extended to include the Sacramento-San Joaquin Delta region so as to provide facts necessary for the coordinated development of the bay-delta regions; and

WHEREAS, The Legislature has been informed that funds amounting to some $300,000 are needed to continue and extend the project; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriate funds necessary in order for the Corps of Engineers to carry on its current and proposed San Francisco Bay operations and also to extend the model and studies into the Sacramento-San Joaquin Delta region; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Army.

CHAPTER 54

Senate Concurrent Resolution No. 50—Relative to Governor Gustavo Aubanel Vallejo of Baja California, Mexico.

[Filed with Secretary of State March 30, 1965]

WHEREAS, The Mexican State of Baja California has long been a good friend and neighbor of the State of California; and

WHEREAS, There are strong cultural and economic ties between the two states; and

WHEREAS, Gustavo Aubanel Vallejo, is a former popular Mayor of Tijuana, a former Congressman in the Congress of Mexico representing Baja California and since January, 1965, Governor of Baja California; and

WHEREAS, Governor Gustavo Aubanel Vallejo will be a guest of, and speak to, the Legislature of California; now, therefore, be it

Resolved by the Senate of the Legislature of California, the Assembly thereof concurring, That the Members of the Senate and Assembly meet in joint session in the Assembly Chamber at 11 a.m., Wednesday, March 31, 1965, to hear the remarks of Governor Gustavo Aubanel Vallejo of Baja California; and, be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to Governor Aubanel Vallejo.

CHAPTER 55

Assembly Concurrent Resolution No. 49—Approving a certain amendment to the Charter of the City of Arcadia, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a special municipal election partially consolidated with a special election of the Arcadia Unified School District held on the 2nd day of February, 1965.

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

WHEREAS, Proceedings have been taken and had for the adoption and ratification of an amendment, hereinafter set forth, to the Charter of the City of Arcadia, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the mayor, a member and the presiding officer of the city council, and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF ARCADIA, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Arcadia

We, Dale E. Turner, Mayor, member and presiding officer of the Council of the City of Arcadia, and Christine Van Maanen, City Clerk of the City of Arcadia, do hereby certify and declare as follows:

That the said City of Arcadia, in the County of Los Angeles, State of California, is now and was at all times herein mentioned:

(a) A City containing a population of more than 3500 and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

(b) A city organized and existing under a charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a

special election held for that purpose on the 24th day of April, 1951, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 14th day of May, 1951. (Assembly concurrent resolution No. 58, Chapter 117, Statutes 1951, p. 4514.)

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of the City of Arcadia, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of the City of Arcadia, a certain proposal for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain special municipal election, partially consolidated with a special election of the Arcadia Unified School District, called and held for that purpose in said city on the 2nd day of February, 1965, all as required by law.

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on December 6, 1964, in The Arcadia Tribune, a semi-weekly newspaper of general circulation printed and published in said City of Arcadia and being the official newspaper of said city and for said purpose, and in all editions thereof issued during said days of publication, all as shown by the affidavit of publication on file in the office of the City Clerk of said city.

That said proposed charter amendment was submitted to the electors of said city for adoption and ratification at a special municipal election partially consolidated with a special election of the Arcadia Unified School District, held on February 2, 1965, which was not less than forty, nor more than sixty days after completion of the advertising in the official paper of the proposed charter amendment aforesaid.

That the City Council of the City of Arcadia at a meeting duly held on February 9, 1965, at the time and in the form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election and duly found, determined and declared that a majority of the qualified electors voting upon such proposed charter amendment as well as a majority of the qualified electors voting at said election voting in favor of said proposed charter amendment and for the ratification and adoption thereof, and duly declared the results of said canvass of the returns of said election.

That the proposition submitted to the electors of said City of Arcadia as aforesaid was as follows:

Proposed Arcadia City Charter Amendment No. 2: Shall Article XII of the Arcadia City Charter Be Amended to Read as Follows: Article XII Board of Education Section 1200. The control, management and administration of the public schools of the City of Arcadia and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of five (5) members to be elected from the school district at large, and the said Board is hereby vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education. Section 1201. The members of such board of education shall hold office for the term of four (4) years, and until their successors are elected and duly qualified. School board elections shall be held on the third Tuesday of April of each odd numbered year, the first such election to be held in April, 1967, at which time three (3) members shall be elected; in April of 1969 two (2) members shall be elected, and thereafter three (3) and two (2) members shall be alternately elected. The members of such board of education elected and duly qualified prior to the April 1967 election shall continue in office for their respective terms of office and until their respective successors are elected and duly qualified as herein provided. The officers of the election for members of the Board of Education shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the	Yes	

conduct of said election shall be a charge upon the School District and not upon the city.

In the preparation of ballots for the election of members of the Board of Education, there shall be printed, stamped or written the name of each candidate for such office who has officially announced himself sixty days prior to the date of the election by filing or having filed with the Secretary of the Board of Education a written statement signed by him that he is a candidate for the office of member of the Board of Education.

In all other matters the election for members of the Board of Education shall be governed by the general law of the State relating to the election of city Boards of Education.

Section 1202 The members of the Board of Education shall enter upon the discharge of their duties on the first Monday in July after their election, and the Board shall meet upon said day and annually thereafter and organize by electing one of their number President and one of their number Vice-President, whose terms of office shall be one year. They shall hold regular meetings at least once each month, at such time and place as may be determined by their rules Special meetings may be called by the President or by written request of any three members. A majority of the members shall constitute a quorum The Board may determine the rules of its proceedings, and the ayes and noes shall be taken and recorded when demanded by any member, and entered on the records of the Board. Any vacancy occurring on the Board shall be filled by the remaining members of the Board, and if there be no members, then by the City Council.

No

Section 1203. The Board of Education shall, at the first meeting in each school year, or at such other time as shall be fixed by resolution of the Board, appoint a secretary, who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such secretary.

Section 1204. In all matters not specifically provided for in this Article, the Board shall be governed by the provisions of the general law relating to such matters.

That the said amendment to the charter of the City of Arcadia, so adopted and ratified by the qualified electors of said city, and which shall be submitted to the Legislature for approval or rejection, is in words and figures as follows:

Article XII
Board of Education

Section 1200. The control, management and administration of the public schools of the City of Arcadia and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of five (5) members to be elected from the school district at large, and the said Board is hereby vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education.

Section 1201. The members of such board of education shall hold office for the term of four (4) years, and until their successors are elected and duly qualified. School board elections shall be held on the third Tuesday of April of each odd numbered year, the first such election to be held in April, 1967, at which time three (3) members shall be elected; in April of 1969 two (2) members shall be elected, and thereafter three (3) and two (2) members shall be alternately elected. The members of such board of education elected and duly qualified prior to the April 1967 election shall continue in office for their respective terms of office and until their respective successors are elected and duly qualified as herein provided. The officers of the election for members of the Board of Education shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said election shall be a charge upon the School District and not upon the city.

In the preparation of ballots for the election of members of the Board of Education, there shall be printed, stamped or written the name of each candidate for such office who has officially announced himself sixty days prior to the date of the election by filing or having filed with the Secretary of the Board of Education a written statement signed by him that he is a candidate for the office of member of the Board of Education.

In all other matters the election for members of the Board of Education shall be governed by the general law of the State relating to the election of city Boards of Education.

Section 1202. The members of the Board of Education shall enter upon the discharge of their duties on the first Monday in July after their election, and the Board shall meet upon said day and annually thereafter and organize by electing one of their number President and one of their number Vice-President, whose terms of office shall be one year. They shall

hold regular meetings at least once each month, at such time and place as may be determined by their rules. Special meetings may be called by the President or by written request of any three members. A majority of the members shall constitute a quorum. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken and recorded when demanded by any member, and entered on the records of the Board. Any vacancy occurring on the Board shall be filled by the remaining members of the Board, and if there be no members, then by the City Council.

Section 1203. The Board of Education shall, at the first meeting in each school year, or at such other time as shall be fixed by resolution of the Board, appoint a secretary, who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such secretary.

Section 1204. In all matters not specifically provided for in this Article, the Board shall be governed by the provisions of the general law relating to such matters.

We further certify that we have compared the text of the foregoing amendment with the original proposal submitted to the electors of said City, and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Arcadia to be affixed hereto this 9th day of February, 1965.

(SEAL)

DALE E. TURNER, Mayor and Member and Presiding Officer of the City Council of the City of Arcadia

CHRISTINE VAN MAANEN, City Clerk of the City of Arcadia

and,

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Arcadia as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the Charter of the said City of Arcadia.

CHAPTER 56

Assembly Concurrent Resolution No. 74—Relative to the Honorable Robert Sargent Shriver, Jr.

[Filed with Secretary of State April 1, 1965.]

WHEREAS, The Honorable Robert Sargent Shriver, Jr., is one of the outstanding men in the government of the United States, a man who has served our country most ably in important public posts and has made, and is making, a great contribution to our welfare and that of the world; and

WHEREAS, As the first Director of the Peace Corps when it was established in 1961, Mr. Shriver's organizational and administrative abilities have been directly responsible for the successful fashioning of the fledgling Peace Corps into a worldwide organization dedicated to making available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people; and

WHEREAS, Mr. Shriver has now been appointed by President Johnson to head the new Office of Economic Opportunity which has been established in order to carry out the federal antipoverty program embodied in the Economic Opportunity Act of 1964 (Public Law 88-452) and in that capacity he administers the federal programs established by the act to provide, in cooperation with state and local agencies, the means to combat poverty in our country; and

WHEREAS, Inasmuch as California will have a substantial role to play in cooperating in the fulfillment of the federal antipoverty program and Mr. Shriver by virtue of his vast and most successful experience as an administrator and his appointment as Director of the Office of Economic Opportunity, is a man whose views are of great importance to us all, it is therefore most desirable that the Members of the Legislature of the State of California, and through them, Californians everywhere, have an opportunity to become better acquainted with Mr. Shriver; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That a joint meeting of the Senate and Assembly of the State of California shall be held in the Assembly Chamber at 11:30 o'clock on the morning on Wednesday, March 31, 1965, to hear the Honorable Robert Sargent Shriver speak.

CHAPTER 57

Senate Concurrent Resolution No. 38—Approving an amendment to the Charter of the City of San Bernardino, County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the 2nd day of February 1965.

[Filed with Secretary of State April 12, 1965.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of an amendment, hereinafter set forth, to the Charter of the City of San Bernardino, a municipal corporation situated in the County of San Bernardino, State of California, as set out in the certificates of the mayor and city clerk of said city as follows, to wit:

State of California }
County of San Bernardino } ss
City of San Bernardino }

We, the undersigned, Donald G. Mauldin, Mayor of the City of San Bernardino, State of California, and Jack T. Felton, City Clerk of said City, Do hereby certify and declare as follows:

The City of San Bernardino, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a City of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said City on its own motion submitted to the electors of said City, at a Primary Municipal Election, held within said City on the 2nd day of February, 1965, a certain proposed amendment to the City Charter of said City.

Said proposed amendment was published in The San Bernardino Evening Telegram, being a newspaper of general circulation printed and published in said City and having a general circulation therein, and being an official newspaper of said City, on the 14th day of December, 1964, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Said legislative body caused copies of said amendment to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City and, until the day fixed for said election, advertised in The San Bernardino Evening Telegram, being a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice, copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 2nd day of February, 1965, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendment, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendment to said City Charter.

Said proposed amendment was duly and regularly submitted to, and duly ratified by, the said qualified voters of said City, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said City have been complied with.

Said amendment is as follows:

It is hereby proposed that Article VIII, Section 141, of the Charter of the City of San Bernardino be amended to read as follows:

Section 141. The revenue paid into the treasury shall be at once apportioned by the City Treasurer and kept in the General Fund or in an appropriate specific fund. Money may be transferred from one fund to another fund by motion and a two-thirds vote of the Common Council.

We have compared the said ratified amendment with the original proposed amendment submitted to the qualified electors of the said City, and find that the foregoing is a full, true, correct and exact copy of said amendment.

We further certify that the facts set forth in the preamble preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of San Bernardino to be attached on this 16th day of February, 1965.

(SEAL)

DONALD G. MAULDIN
Mayor of the City of San Bernardino, California
JACK T. FELTON
City Clerk of the City of San Bernardino, California

and

WHEREAS, said amendment to the Charter of the City of San Bernardino so ratified as hereinbefore set forth has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8, Article XI of the Constitution of the State of California, now, therefore, be it

Resolved, by the Senate, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of San Bernardino as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set

forth, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment and as part of the said Charter of the City of San Bernardino.

CHAPTER 58

Assembly Concurrent Resolution No. 46—Approving amendments to the Charter of the City of Monterey, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of the city at a special election held therein on the 3rd day of November, 1964.

[Filed with Secretary of State April 13, 1965.]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Monterey, a municipal corporation in the County of Monterey, State of California, as set out in the certificate of the Mayor and City Clerk of the City of Monterey as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF MONTEREY AT A MUNICIPAL ELECTION HELD ON THE 3RD DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND SIXTY-FOUR, OF AMENDMENTS TO THE CHARTER OF THE CITY OF MONTEREY, COUNTY OF MONTEREY, STATE OF CALIFORNIA.

State of California }
County of Monterey }
City of Monterey }

We, George M. Clemens, Mayor of the City of Monterey, and George W. Smith, City Clerk of the City of Monterey, do hereby certify as follows:

That the City of Monterey, in the County of Monterey, State of California, is now and was at all times herein mentioned, a City containing more than 3,500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That the City of Monterey is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a Special Municipal Election held therein on the 9th day of March, 1925, and approved by the Legislature of the State of California (Statutes 1927, Chapter 32, Page 1292) and by Resolution of the Legislature filed with the Secretary of

State of the State of California on the 27th day of March, 1925 (Statutes 1927, Chapter 32, Page 1292); and

Pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, the Legislative body of the City, namely the City Council, of said City did, on its own motion and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, propose to the electors of the City of Monterey certain amendments to the Charter of said City, and ordered that the amendments be submitted to said electors of said City at a Special Municipal Election to be held in said City on the 3rd day of November, 1964, in conjunction with the General Election of the State of California to be held on the same date; and

That said proposed amendments were, on the 21st day of September, 1964, duly published in the Monterey Peninsula Herald, a newspaper of general circulation published in the City of Monterey, and the official newspaper designated by said City Council for that purpose, and in each edition thereof; and

That the City Council did by Resolution designated as Resolution No. 10,181 C.S., which was adopted on the 4th day of August, 1964, call for and give notice of a Special Municipal Election in the City of Monterey on the 3rd day of November, 1964, which date was more than forty (40) days and less than sixty (60) days after completion of the publication of said proposed amendments to the Charter of the City of Monterey as aforesaid; and

That said Special Municipal Election was held in the said City of Monterey on the 3rd day of November, 1964, which date was more than forty (40) and less than sixty (60) days after said proposed amendments to said Charter had been published in said Monterey Peninsula Herald as aforesaid; and

That at said Special Municipal Election held as aforesaid, on the 3rd day of November, 1964, a majority of the voters voted in favor of the proposed amendments, as hereinafter set forth, to the Charter of the City of Monterey and duly ratified the same; and

That said returns were duly canvassed and certified by the Clerk of the County of Monterey in the time and manner as required by law, and

That said amendments to the Charter of the City of Monterey, adopted and ratified by the qualified electors of said City are in words and figures as follows:

Charter Amendment No. 1

Section 15 is amended to read as follows:

"Section 15. Legislations: The Council shall act in legislative matters by ordinance or resolution only. Other action

of the Council, unless herein otherwise provided, may be taken by resolution, motion, or order.

"The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the Council. Upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote. All members at any meeting must vote.

"No ordinance or resolution shall be passed without receiving the affirmative vote of at least three members of the Council.

"Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

"The ordaining clause of all ordinances adopted by the Council shall be, 'The Council of the City of Monterey does ordain as follows:' The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, 'The People of the City of Monterey do ordain as follows:'.

"No ordinance shall be passed by the Council on the day of its introduction, or within five (5) days thereafter, or at anytime other than a regular or adjourned regular meeting, or until its publication at least once in the official newspaper of the City at least three (3) days before its adoption. In the case of an ordinance being amended before its final adoption, and after its publication, it shall in like manner be republished in full as amended, at least one day before its adoption, as amended, provided however, that where such amendment is made for the correction of clerical errors or omissions of form only, then such ordinance need not be republished. Each ordinance shall be read in full at a regular or adjourned regular meeting of the Council at least once prior to its adoption. An ordinance once read at a regular or adjourned regular meeting need not be reread prior to its adoption, only the amended portions must be read. The Council may, on affirmative vote of four of its members, waive the reading of any ordinance, except emergency ordinances, either in whole or in part.

"An ordinance shall take effect thirty (30) days after its final passage except an ordinance shall take effect immediately, if it is an ordinance:

"(a) Relating to an election.

"(b) For the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council.

"(c) Relating to street improvement proceedings.

"(d) Relating to taxes for the usual and current expenses of the city.

"(e) Covered by particular provisions of law prescribing the manner of its passage and adoption.

"Except as otherwise provided by general law, or by this charter, no action providing for any specific public improvement or for the appropriation or expenditure of public money,

in any amount over one thousand dollars ($1,000.00) or for the acquisition, sale, lease, encumberancing, or disposition of any real property of the city, or any interest therein, or for the purpose of levying any tax or assessment, or the granting of any franchise, or for the establishing or changing of fire limits, or for the imposing of any penalty, shall be taken except by ordinance.

"No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted; or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

"All ordinances shall be signed by the Mayor and attested by the City Clerk."

Charter Amendment No. 2

Section 17 is amended to read as follows:

"Section 17. The Chief Appointive Officials: The chief appointive officers of the city shall be a City Manager, City Clerk, who shall be the ex-officio assessor, Collector, Director of Public Works, City Attorney, Auditor, Treasurer, Street Superintendent, Chief of Police, Fire Chief and five Library Trustees. The Council may, at any time when in its judgment the interest of the city so demands, by a four-fifths vote thereof, consolidate by ordinance the powers and duties of two or more city officers and place the same in charge of one such officer. The Council shall by ordinance prescribe the powers and duties of all of said officers except where the same are prescribed in this charter, and in such case, may by ordinance, prescribe additional powers and duties therefor consistent with the provisions hereof."

Charter Amendment No. 3

Section 22-A is amended to read as follows:

"Section 22-A. Appointment of Officers and Employees:

"(1) The Council shall appoint by affirmative vote of three of its members the City Manager, City Clerk and ex-officio Assessor, and the Collector.

"(2) The Mayor shall appoint, subject to confirmation by the affirmative vote of three members of the Council, all members of municipal boards, commissions, or committees, except advisory committees to the City Manager.

"(3) Officers appointed by the Council may appoint their own deputies when the same are necessary; subject however, to confirmation by the Council.

"(4) The City Manager shall appoint all other officers and employees of the City, except as otherwise herein provided."

Charter Amendment No. 4

Section 24 is amended to read as follows:

"Section 24. City Manager and Secretary Thereto: The City Manager shall be chosen by the Council without regard to political consideration and with reference solely to his qualifications for such office. No one shall be eligible for appointment thereto who has not had at least one year's special training therefor, or who has not served as City Manager, or as an assistant, or deputy thereof.

"It shall not be necessary for such appointee to be a resident or elector of the City at the time of his appointment, but he shall become a resident thereof within sixty (60) days after his appointment and qualification as City Manager and shall thereafter continue to reside therein during his incumbency of said office. The City Manager shall be ex-officio City Purchasing Agent, which office is hereby created, and as such he shall on behalf of the City make all purchases of materials and supplies, and contracts for the purchase, lease or rental of the same, where in any case the cost thereof does not exceed the sum of five hundred dollars ($500.00); subject, however, to such conditions and restricttions as may be imposed by ordinance and except as any such powers are herein delegated to Board of Library Trustees.

"The salary of the City Manager, and ex-officio City Purchasing Agent, shall be fixed by ordinance, payable in equal monthly installments. The office of Secretary to the City Manager is hereby created, which shall be filled by appointment by the City Manager, and such Secretary may be removed from office by the City Manager at any time without a hearing, and such removal shall not be subject to disapproval by the Council. The salary of such Secretary shall be fixed by ordinance.

"The powers and duties of the City Manager shall be:

"(1) To see that all ordinances are enforced.

"(2) To appoint, except as otherwise provided in this charter, or by general law, all heads of departments, and other city officers and employees, and remove the same at pleasure, except as otherwise herein prescribed, and to have general supervision and control over all officers and employees whether appointed by himself or the Council.

"(3) To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.

"(4) To see that the provisions of all franchises, leases, contracts, permits and privileges, granted by the City are fully observed, and to report to the Council any violation thereof.

"(5) To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

"(6) To examine, or cause to be examined, without notice, the conduct, or the official accounts or records, of any officer or employee of the City.

"(7) To keep the Council advised as to the needs of the City.

"(8) To devote his entire time to the business and interests of the City.

"(9) To have general supervision over all City property, including public buildings, parks and playgrounds.

"(10) To appoint such advisory boards as he may deem desirable to advise to assist him in his work, provided the members of such boards shall receive no compensation.

"(11) To supervise generally the preparation of the assessment roll by the Assessor, and make such recommendations to the Council or Board of Equalization regarding the same as he may deem advisable.

"(12) To possess such other powers and perform such additional duties as are prescribed by this charter or may be prescribed by ordinance; provided however, that the powers or duties of any City office or employment created by the provisions of this charter shall not be consolidated with those of the City Manager, other than that of City Purchasing Agent."

Charter Amendment No. 5

Charter Section 28 is to be deleted in its entirety.

Charter Amendment No. 6

Section 29 is amended to read as follows:

"Section 29. Director of Public Works: The Director of Public Works, at the time of his appointment, shall have been a practicing civil engineer for a period of at least three years. All other things being equal, an engineer who has had special training and experience in municipal engineering shall be appointed to this office, if practicable.

"As Director of Public Works he shall be the custodian of, and responsible for, all maps, plans, profiles, field notes, and other records and memoranda belonging to the City and pertaining to his office and the work thereof, all of which he shall keep in proper order and condition. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him, or under his direction or control, for or on behalf of the City during his term of office, shall be the property of the City. He shall perform all engineering work and surveying in prosecuting public improvements in or for the City, and in relation to public streets,

lanes, alleys, ways, places and real property of the City, and shall possess such other powers and perform such additional duties not in conflict with this charter, as may be prescribed by ordinance or the general laws of the State. His salary shall be fixed by ordinance. The Director of Public Works shall also be the City Engineer and Superintendent of Streets and shall be fully empowered to act in said capacities and execute all documents as City Engineer or Superintendent of Streets when empowered or required to do so by ordinance or general law."

Charter Amendment No. 7

Charter Section 33 is to be deleted in its entirety.

Charter Amendment No. 8

Section 36 is amended to read as follows:

"Section 36. Disposition of City Moneys: Every officer receiving, or in possession of any moneys belonging to or for the use of the City, shall within forty-eight hours thereafter, notify the Auditor thereof and thereupon pay the same forthwith into the treasury, on order of the Auditor for the benefit, and to the credit, of the funds to which such moneys severally belong, provided however, that Saturdays, Sundays, legal holidays and other days on which the City offices are closed for business shall not be considered in computation of the forty-eight hour period."

Charter Amendment No. 9

Charter Section 37 is to be deleted in its entirety.

Charter Amendment No. 10

Section 40 is amended to read as follows:

"Section 40. Illegal Contracts: The prohibition of certain financial interest of specified officers and employees shall be governed by the provisions of the general laws of the State of California."

Charter Amendment No. 11

Section 41 is amended to read as follows:

"Section 41. Contract Work: In the erection, improvement and repair of all public works, and in furnishing supplies, labor or materials for the same, or for other use or purpose, when the expenditure required for the same shall exceed the sum of one thousand dollars ($1,000.00), the same shall be awarded by contract, and shall be let, by the Council to the lowest, responsible bidder, after notice by publication in the official newspaper, and security for due execution and

performance of any such contract may be required of the bidder and successful contractor, respectively. The detailed procedure for carrying out the provisions of this section shall be prescribed by ordinance.

"Provided, that the Council may reject any and all bids presented, and may in its discretion, re-advertise for other bids.

"Provided, further, that after rejecting bids, the Council may determine and declare by a four-fifths vote of all of its members, that the work in question may be more economically or satisfactorily performed by day labor, or the materials or labor purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

"Provided, further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may by resolution passed by a vote of four-fifths of all members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed, without advertising for bids or receiving the same, to expend or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the city treasury and available for such purpose; and

"Provided, further, the Mayor or Mayor protempore is empowered to make immediate expenditures of public moneys, or to contract on behalf of the City for materials or services necessary to safeguard life or property, whenever the Governor of the State of California, the President of the United States, or other designated State or Federal authorities have declared the City, or an area in which the City is included, to be a disaster area, or said persons have declared a state of emergency to exist, or other similar designation."

Charter Amendment No. 12

Section 57 is amended to read as follows:

"Section 57. Counting the City's Money—Safety Deposit Boxes: The Mayor, City Clerk and City Manager, shall together count the money and other securities in the treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts that should be in the treasury according to the books of the City. They shall make a written report thereof to the Council at its first regular meeting thereafter.

"No safety deposit vault maintained by the City shall be opened except in the presence of at least two officers of the City, one of whom shall be the City Treasurer or his deputy and the other shall be the City Manager or his deputy."

Charter Amendment No. 13

Section 61 is amended to read as follows:

"Section 61. Leases of City Property: In every lease of City property for a term of over five years, the basic amount of the rental shall be fixed by the Council, and the lease shall provide that such amount shall in no event be lowered during the term thereof. Provision shall be made in all such leases for a revision of the amount of the rental at stated periods of not less than three nor more than five years each during the term of any such lease, and that such revision shall be made by a board of appraisers consisting of one appraiser appointed by the Council and one appraiser appointed by the lessee. Any increase in the amount of any such rental agreed upon by said appraisers shall bind their principals. In the event of their failure to agree upon the amount of such increase within twenty days from and after their appointment, said two appraisers may appoint a third appraiser as a member of said board, and the determination of the majority shall be final and conclusive and binding upon all concerned. Should the two appraisers appointed by the Council and lessee, respectively, fail for thirty days from and after their appointment to agree upon the amount of the increase of the rental or to appoint a third appraiser, in any case, then upon the petition in writing of either party to any such lease, the Presiding Superior Court Judge of Monterey County is hereby empowered to appoint the third appraiser upon such board. In the event that the Council demands a revision of the amount of the rental set forth in any such indenture of lease, as herein provided, the lessee shall within ten days from and after receiving notice in writing of such demand, appoint its appraiser as in this section provides, and forthwith notify the Council in writing of such appointment; provided, that should the lessee fail for said period last named to make and give notice of such appointment, as aforesaid, then upon application of the lessor, said Presiding Superior Court Judge of Monterey County is hereby empowered to make the same, and the determination of such board so constituted shall bind and be conclusive upon all parties to the lease; provided, further, that in no case, shall any such board of appraisers be authorized to lower the amount of the basic rental fixed by the Council."

"All such leases shall provide, also, that the Council may terminate the same at its pleasure and repossess the premises therein described upon three months' notice thereof and upon paying to the lessee the market value of any improvements made or put upon said premises by the lessee, or prior lessees. The market value of such improvements ahll be determined by a board of appraisers appointed as aforesaid, and the determination of such board shall be binding on all parties in interest; provided however, that the Council shall not terminate any such lease or repossess any such premises except for

a public use and purpose; provided further, that no lease of City property shall be made for a term of more than fifty years.

Charter Amendment No. 14

Section 76½. Claims Against the City for Personal Injury and Damages: The general laws of the State of California shall apply to any claim for damages or injury against the City of Monterey or any of its officers or employees."

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said city, and find and certify that all of said amendments are a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Monterey to be affixed hereto this 5th day of February, 1965.

(SEAL)

GEORGE M. CLEMENS
Mayor of the City of Monterey
GEORGE W. SMITH
City Clerk of the City of Monterey

WHEREAS, The proposed amendments so ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting thereon and concurring therein, That the amendments to the Charter of the City of Monterey, as proposed to and adopted and ratified by the qualified electors of the city, are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of the City of Monterey.

CHAPTER 59

Assembly Concurrent Resolution No. 72—Relative to California Savings Bond Week.

[Filed with Secretary of State April 19, 1965.]

WHEREAS, The Payroll Savings Plan for U.S. Savings Bonds is one of the best ways in which persons can save for their future needs, and at the same time help assure the future freedom of America; and

WHEREAS, May 3, 1965, has been designated as the starting date for the campaign to encourage the purchase of U.S. Savings Bonds by state employees; and

WHEREAS, The Honorable Edmund G. Brown, Governor of the State of California, is the chairman of the State Employees Payroll Savings Campaign; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature respectfully requests Governor Brown to proclaim the week beginning May 3, 1965, as "California Savings Bonds Week"; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Honorable Edmund G. Brown.

CHAPTER 60

Assembly Concurrent Resolution No. 79—Relative to the return of the United Nations to its birthplace.

[Filed with Secretary of State April 19, 1965.]

WHEREAS, The year 1965 marks the 20th anniversary of the founding of the United Nations in San Francisco; and

WHEREAS, A return to San Francisco by the United Nations this year will be met with the same warm affection that characterized the city's first greeting to this growing international forum of international expression; and

WHEREAS, The part played by the San Francisco Press Club in its earliest efforts of more than 20 years ago in bringing the Charter Convention to San Francisco in 1945 was an important contributing factor in this historic occasion; and

WHEREAS, The Press Committee for the United Nations is still directed by the original committee of the San Francisco Press Club and this year is preparing a welcome to the press throughout the world during the observance of the birth of the United Nations on April 24 through 26; and

WHEREAS, After more than 20 years most of the original committee for the United Nations is still intact and still dedicated to the support of the United Nations; and

WHEREAS, The committee, in advancing the purposes and principles of the United Nations, has shown vision and perseverance, and, through its colleagues of many nations, the members of the committee have served as ambassadors of greater understanding and good will; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature again extends its invitation to the United Nations to observe its 20th anniversary in San Francisco, the city of its birth; and be it further

Resolved, That the Legislature extends its appreciation to the Press Committee for the United Nations of the San Francisco Press Club for two decades of untiring dedication in support of the cause of the United Nations.

CHAPTER 61

Senate Concurrent Resolution No. 1—Relative to adoption of the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State April 19, 1965.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following rules be adopted as the Joint Rules for the 1965 Regular Session:

Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the rules of each house.

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any budget session or extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules.

Bills and Resolutions

Definition of Word Bill

4. Whenever the word "bill" is used in these rules, it shall include constitutional amendments, concurrent and joint resolutions.

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the federal government.

Resolutions Treated as Bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they

shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

PREPARATION AND INTRODUCTION OF BILLS

Title of Bill

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Introduction of Bills

8.3. No bill shall be introduced after the 110th calendar day of a general session except as follows:

(a) A written notice of intention to introduce a bill, a copy of the bill and a digest prepared pursuant to Rule 8.5 shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to the Rules Committee of the appropriate house. The notice and digest shall be printed in the Journal of that house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for the introduction of the proposed bill.

(c) If the Rules Committee recommends that introduction of the proposed bill be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to introduce the bill. The adoption of the resolution granting such permission shall require an affirmative recorded vote of two-thirds of the elected members of the house in which the request is made.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Digest of Bills Introduced

8.5. No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction which does not comply with the foregoing requirements of this rule the Secretary or Chief Clerk shall return it to the member who presented it.

The digest shall be printed on the bill as introduced in distinctive type upon the lower part of the first page thereof. If a material error in the printed digest is brought to the attention of the Legislative Counsel, he shall prepare a corrected digest which shall show the changes made in the digest as provided in Joint Rule 10 for amendments to bills. He shall deliver the corrected digest to the Secretary or the Chief Clerk, as the case may be. If the correction warrants it in the opinion of the President pro Tempore of the Senate or the Speaker of the Assembly, a corrected print of the bill as introduced shall be ordered with the corrected digest printed thereon.

Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

Changes in Existing Law to Be Marked by Author

10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill and was being printed for the first time.

When an entire code is repealed as part of a codification or recodification or when an entire title, part, division, chapter or article of a code is repealed, the sections comprising such code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in strikeout type.

Introduction of Departmental Bills

10.5. No departmental bill shall be introduced at the request of or on behalf of any state officer or agency except the Governor after the 30th calendar day of any general session. No departmental bill shall be introduced in both houses of the Legislature at any session.

Heading of Bills

10 7. No bill shall indicate in its heading or elsewhere that it was introduced at the request of a state agency or officer or any other person. No bill introduced after February 15, 1963, shall contain the words "By request" or words of similar import.

Consideration of Bills

10.8. At a general session, no bill shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced except this provision and the limitation contained in Section 2(a) of Article IV of the Constitution may be dispensed with as follows:

(a) A written request for such dispensation entitled "Request to Consider and Act on Bill Within 30 Calendar Days" shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, printed in the Journal and transmitted to the Rules Committee of the appropriate house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for dispensing with the 30-calendar-day waiting period following the bill's introduction.

(c) If the Rules Committee recommends that said waiting period be dispensed with, the member may offer a resolution, without further reference thereof to committee, authorizing hearing and action upon the bill before the 30 calendar days have elapsed. The adoption of the resolution shall require an affirmative recorded vote of three-fourths of the elected members of the house in which the resolution is presented.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Printing of Amendments

11. All bills amended by either house shall be immediately reprinted; in case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

13. All requests by members for mailing or distribution of copies of the Weekly Histories, the Legislative Digest and the Legislative Index shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of copies of the Weekly Histories, the Legislative Digest and the Legislative Index to supply this list together with such number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills shall be delivered except upon payment therefor of the sum of two hundred and twenty-five dollars ($225) at a general session or twenty-five dollars ($25) at a budget session. Not more than two copies of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, shall be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the President of the Senate, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's office; Secretary of State's office; Controller's office; Governor's office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Judicial Council; the California Law Revision Commission; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing,

be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

Legislative Digest and Legislative Index

13.1. The Legislative Counsel shall provide for the compilation and periodic publication of the digests mentioned in Rule 8.5 in separate pamphlets for each house. He shall also provide for the periodic publication of a cumulative Legislative Index which shall include tables of sections affected by pending legislation. The State Printer shall print the pamphlet digests (comprising the Legislative Digest) and the Legislative Index in such quantities, and at such times, as are determined by the Secretary of the Senate and the Chief Clerk of the Assembly. The costs of such printing shall be paid from the legislative printing appropriation.

Other Legislative Printing

Printing of the Daily Journal

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

15. The following shall always be printed in the Journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

16 A Daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

17. Each house shall cause to be printed, once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Authority for Printing Orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the rules, except upon a written order signed by the Secretary of the Senate, on behalf of the Senate, or the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly. Persons authorized to order printing under this rule may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly, are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

Record of Bills

Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

Action in One House on Bill Transmitted From the Other

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

Uncontested Bills

22 1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman appropriate forms for such report. As used in this rule, "uncontested bill" means a bill, except a revenue measure, which: (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present; and (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee; and (c) prior to final action by the committee has been requested, by the author, to be placed on the consent calendar.

Consent Calendar

22.2. Following their second reading and the adoption of any committee amendments thereto, if any, all bills certified by the committee chairman as uncontested bills shall be placed by the Secretary of the Senate or the Chief Clerk of the Assembly on the consent calendar, and shall be known as "consent calendar bills." Any consent calendar bill which is

amended from the floor shall cease to be a consent calendar bill and shall be replaced on the second reading file. Upon objection of any member to the placement or retention of any bill on the consent calendar, such bill shall cease to be a consent calendar bill and shall be replaced on the second reading file. No consent calendar bill shall be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

Consideration of Bills on Consent Calendar

22.3. Bills on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the Assembly shall allow a reasonable time for questions from the floor and shall permit the proponents of such bills to answer such questions. Immediately prior to voting on the first bill on the consent calendar, the President of the Senate or the Speaker of the Assembly shall call to the attention of the members the fact that the next rollcall will be the rollcall on the first bill on the consent calendar.

The consent calendar shall be considered as the last order of business on the Daily File.

Passage and Enrolling of Bills

Passage of Bills Preceding Final Adjournment

23 No Senate bill shall be passed by the Senate within 15 days, and no Assembly bill shall be passed by the Assembly within 10 days prior to the adjournment sine die of the two houses of the Legislature at a general session or within one day prior to the adjournment sine die of the two houses of the Legislature at a budget session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill).

Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and

joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal.

AMENDMENTS AND CONFERENCES

Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Two copies of such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a committee of three (3) on conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairman thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The committee on conference shall report to both the Senate and the Assembly.

Report of Committee on Conference

29. The report of the committee on conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different conference committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than two of the Senate Members and two of the Assembly Members constituting the committee to agree upon a report. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill.

The report of a conference committee shall be in writing, and a copy of any amendments proposed in the report shall be placed on the desk of each member of the house before it is acted upon by the house.

When Conference Committee Report Is in Order

30. The presentation of the report of a committee on conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during rollcall, and, when received, the question of proceeding to the consideration

of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Conference Committee Reports on Urgency Measures

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency measure, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to adopt the report of the committee on conference.

Miscellaneous Provisions

Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these rules shall be governed by Mason's Manual.

Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 43 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupations or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly Chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the

duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.

Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues an opinion to any person other than the first-named author analyzing the constitutionality, operation or effect of a bill or other legislative measure which is then pending before the Legislature or which was introduced at any session of the Legislature held within two years next preceding the date of the opinion and was referred to an interim committee for study, or of any amendment made or proposed to be made to such bill or meas-

ure, he is authorized and instructed to deliver two copies of the opinion to the first-named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests.

Resolutions Prepared by Legislative Counsel

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform each subsequent requester that such a resolution is being, or has been, prepared, and shall furnish such subsequent requester with the name of the member for whom the resolution was, or is being, prepared.

Memorial Resolutions Regarding Members and Former Members of the Legislature

34.2. Whenever the death of a Member of the Legislature or a former member whose service was particularly notable, or any other person who has rendered exceptional service to society or has been unusually prominent in public life occurs, a concurrent resolution may be used as a memorial resolution in respect thereto. In all other instances a Senate resolution or a House resolution, or both, shall be used as a memorial resolution with respect to the deaths of other persons. In all cases a Senate resolution or a House resolution, or both, shall be used to congratulate any person or organization upon the occurrence of any significant event or achievement.

Expense of Members

35. As provided in Section 23b of Article IV of the Constitution, each Member of the Legislature is allowed and reimbursed as the expenses necessarily incurred by him while attending regular and special and extraordinary sessions of the Legislature (including any recess of three days or less) an allowance authorized for other elected state officers at the time the expense is incurred.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly Committee on Rules, on behalf of the Assembly, weekly or as otherwise directed by either house, and upon such certification the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4, Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant at Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the state government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this state, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable

it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of fifteen cents ($0.15) per mile each way for travel both within and without the state incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu of such expenses for accommodations and meals, an allowance of twenty-five dollars ($25) per day. No expenses for accommodations or meals or any allowance in lieu thereof shall be allowed for a day when the member is entitled to reimbursement for expenses under Joint Rule No. 35. The chairman of each committee shall audit and approve the expense claims of the members of the committee including claims for mileage in connection with attendance on committee business, or in connection with specific assignments by the committee chairman, but excluding other types of mileage, and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairmen thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairman thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the state, have the same authority as if it were acting and functioning within the state, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the state.

This rule governs mileage only with respect to travel to and from committee meetings and with respect to travel necessary to carry out specific assignments made by the chairman of a committee. Such mileage is chargeable to the funds allocated to the specific committee for whom the travel was undertaken. Nothing in this rule shall prevent either house from providing by rule or resolution for the payment of mileage at the same rate herein specified for travel incurred in connection with

committee business generally, payable from the contingent funds of either house after approval by the Rules Committee of that house, or its authorized representative.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

Except salary claims of employees clearly subject to federal withheld tax and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of Interim Committee Employees

36.1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally; provided, that if an allowance for hotel accommodations, breakfast, lunch and dinner is made by a committee at a rate in excess of those fixed by the Board of Control the chairman of the committee shall notify the Controller of that fact in writing.

Appointment of Committees

36.5. The provisions of this rule shall apply whenever a joint interim committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or which makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

Legislative Budget Committee

37. In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses

thereof concerning the State Budget, the revenues and expenditures of the state, and of the organization and functions of the state, its departments, subdivisions and agencies, with a view of reducing the cost of the state government, and securing greater efficiency and economy.

The committee shall consist of seven Members of the Senate and seven Members of the Assembly. The Senate members of the committee shall consist of seven Members of the Senate appointed by the Committee on Rules. The Assembly members of the committee shall consist of seven Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between general sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not reelected at the general election.

Any vacancies occurring between general sessions, in the Assembly membership of the Legislative Budget Committee, shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter such contracts with the Legislative Budget Committee. Money received by the Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appro-

priation for the support of the Legislative Budget Committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State Budget.

(b) Revenues and expenditures of the State.

(c) The organization and functions of the State, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Legislative Budget Committee and to keep and make available all documents, data and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to the same allowance as members of other committees authorized to function after adjournment. The chairman of the committee or, in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding general session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody, available to the Members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Analyst with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the government of the State of California. But, except as hereinabove provided, neither the Legislative Analyst nor any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requester to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester In the event the committee refuses such authorization, he shall inform such requester forthwith.

Registration of Legislative Representatives

37.5. In addition to the duties hereinabove prescribed the Legislative Analyst is directed, so long as he is designated to be "clerk" or "secretary" pursuant to Section 9900(d) of the Government Code, to assign one or more members of his staff to carry out the filing duties imposed by Sections 9900 through 9907 of the Government Code, but he shall undertake no duties which are not specifically authorized by the Joint

Rules, by contracts entered into pursuant to such rules, or by direction of the Legislative Budget Committee.

Adjournment

38. Adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

39. All regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Joint Committee on Legislative Organization

40. The Joint Committee on Legislative Organization is hereby created. The committee has a continuing existence and may meet, act, and conduct its business during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of seven members of the Assembly Committee on Rules and five members of the Senate Committee on Rules, and two Members of the Senate to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership shall be filled by the appointing power.

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

The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning:

(a) The relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

(b) The legislative branch of the state government and any defects or deficiencies in the law governing that branch.

(c) Methods whereby legislation is proposed, considered and acted upon.

(d) The operation of the Legislature, and the committees thereof, and the means of coordinating the work thereof and avoiding duplication of effort.

(e) Aids to the Legislature.

(f) Information and statistics for the use of the Legislature, the respective houses thereof, and the members.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in

session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has the following additional powers and duties:

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

(b) To allocate space in the State Capitol Building and all annexes and additions thereto as provided by law.

(c) To approve, as provided by law, the appearance of the Legislative Counsel in litigation.

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

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

(f) To report its findings and recommendations, including recommendations for the needed revision of any and all laws and constitutional provisions relating to the Legislature, to the Legislature and to the people from time to time and at any time.

(g) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the State in the performance of its duties.

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

The committee shall succeed to, and is vested with all of the powers and duties of the State Capitol Committee, the Joint Committee on Interhouse Cooperation, and the Joint Standing Committee on the Joint Rules of the Senate and the Assembly.

40.1. In addition to the powers and duties otherwise vested in it, the Joint Committee on Legislative Organization shall succeed to, and is vested with, all the powers and duties of the Joint Legislative Committee for School Visitations, created by Senate Concurrent Resolution No. 8 of the 1955 Regular Session and continued by the 1957 and 1959 Regular Sessions of the Legislature.

40.2. In addition to the powers and duties otherwise vested in it, the Joint Committee on Legislative Organization shall succeed to, and is vested with, all the powers and duties of the Joint Legislative Committee on Legislative Reference Library, created by Assembly Concurrent Resolution No. 40 of the 1959 Regular Session. The Joint Committee on Legislative

Organization shall appoint and authorize a subcommittee to assume the powers and duties vested in the committee by this paragraph.

Claims for Workmen's Compensation

41. The Chairman of the Rules Committee of each house of the Legislature shall sign any required workmen's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer or employee of the house, or any employee of a standing or interim committee thereof. In the case of a joint committee, the Chairman of the Rules Committee of either house may sign any such report in respect to a member or employee of such joint committee.

Information Concerning Interim Committees

42. The Rules Committee of each house shall provide for a continuous cumulation during interim periods between sessions of the Legislature of information concerning the membership, organization, meetings and studies of legislative investigating committees. Each Rules Committee shall be responsible for information concerning the investigating committees of its own house and concerning joint investigating committees under the chairmanship of a member of that house. To the extent possible, each Rules Committee shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within 30 days after the adjournment of each regular session of the Legislature.

The information thus cumulated shall be made available to the public by the Rules Committee of each house and shall be published periodically under their joint direction.

Joint Committees

43. Concurrent resolutions creating joint committees of the Legislature and concurrent resolutions allocating moneys from the contingent funds of the Assembly and Senate to such committees shall be referred to the Committees on Rules of the respective houses.

CHAPTER 62

Senate Joint Resolution No. 4—Relative to construction of dams on the Eel River.

[Filed with Secretary of State April 19, 1965]

WHEREAS, The recent December 1964 and January 1965 floods and storms in the northern part of California have re-

sulted in serious and widespread damage and destruction to private and public property; and

WHEREAS, A large portion of the damage and destruction might have been avoided or mitigated had there been dams for flood control purposes on the upper Eel River; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States, the United States Army Corps of Engineers and the Bureau of Reclamation to give high priority to the planning and construction of dams on the upper Eel River for flood control purposes; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Chief of the United States Army Corps of Engineers, and to the United States Commissioner of Reclamation.

CHAPTER 63

Senate Concurrent Resolution No. 14—Relative to construction of dams on the Eel River.

[Filed with Secretary of State April 19, 1965.]

WHEREAS, The recent December 1964 and January 1965 floods and storms in the northern part of California have resulted in serious and widespread damage and destruction to private and public property; and

WHEREAS, A large portion of the damage and destruction might have been avoided or mitigated had there been dams for flood control purposes on the upper Eel River; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature requests the Department of Water Resources to give high priority to the planning and construction of dams on the upper Eel River for flood control purposes; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit a copy of this resolution to the Director of Water Resources.

CHAPTER 64

Senate Joint Resolution No. 19—Relative to memorializing Congress to consider instructing the National Institutes of Health to mount a program of fertility control.

[Filed with Secretary of State April 21, 1965.]

WHEREAS, The National Academy of Sciences has declared that "the problem of uncontrolled population growth emerges as one of the critical issues of our time since it influences the welfare and happiness of all world citizens"; and

WHEREAS, This problem has been formally recognized by President Johnson in his State of the Union Message, and by former Presidents Kennedy, Eisenhower and Truman and by leading demographers, city planners, health and welfare experts, theologians and the American Medical Association; and

WHEREAS, New methods of fertility control widely useful in all cultures and fully acceptable to all religious faiths must be found and these can come about only through expanded research in physiology; and

WHEREAS, The federal government is the one source of research support of significant magnitude to attract the scientists and get the job done; now, therefore, be it

Resolved by the Senate and Assembly of The State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to give due consideration to instructing the National Institutes of Health to mount a major crash program to perfect a variety of simple means of fertility control widely useful in all cultures and fully acceptable to all religious faiths; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health, Education and Welfare.

CHAPTER 65

Senate Joint Resolution No. 10—Relating to the Eel River and its tributaries.

[Filed with Secretary of State April 22, 1965.]

WHEREAS, Through the gracious consent of the Honorable George Fallon, Chairman of the House of Representatives Committee on Public Works, and the Honorable Robert Jones, Chairman of the Committee for Western Flood Inspection of the House of Representatives Committee on Public Works, the

Committee for Western Flood Inspection met with the representatives of the County of Humboldt on January 11, 1965; and

WHEREAS, During the course of this meeting, the question of a study by the U.S. Army Corps of Engineers to control the flood-causing aspects of the Eel River and its tributaries was discussed; and

WHEREAS, In the opinion of the Board of Supervisors of Humboldt County, the lack of control of the Eel River and its tributaries was a dominant cause of the severe damage experienced by the County of Humboldt in the flood of December 1964; and

WHEREAS, Authorization already exists with the U.S. Army Corps of Engineers to study the Eel River and its tributaries; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States and the U S Army Corps of Engineers are respectfully urged to take such steps as may be necessary to cause a study to be made of the flood prevention control aspects of the Eel River and its tributaries; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States and to the Chief of the United States Corps of Engineers.

CHAPTER 66

Senate Joint Resolution No 11—Relating to the Klamath River and its tributaries.

[Filed with Secretary of State April 22, 1965]

WHEREAS, Through the gracious consent of the Honorable George Fallon, Chairman of the House of Representatives Committee on Public Works, and the Honorable Robert Jones, Chairman of the Committee for Western Flood Inspection of the House of Representatives Committee on Public Works, the Committee for Western Flood Inspection met with the representatives of the County of Siskiyou on January 11, 1965; and,

WHEREAS, During the course of this meeting, the question of a study by the U.S. Army Corps of Engineers to control the flood-causing aspects of the Klamath River and its tributaries was discussed; and

WHEREAS, In the opinion of the Board of Supervisors of Siskiyou County, the lack of control of the Klamath River and its tributaries was a dominant cause of the severe damage experienced by the County of Siskiyou in the flood of December 22, 1964; and

WHEREAS, Authorization already exists with the U.S. Army Corps of Engineers to study the Klamath River and its tributaries; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States and the U.S. Army Corps of Engineers are respectfully urged to take such steps as may be necessary to cause a study to be made of the flood prevention control aspects of the Klamath River and its tributaries; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States and to the Chief of the United States Corps of Engineers.

CHAPTER 67

Senate Concurrent Resolution No. 42—Relative to flood damage.

[Filed with Secretary of State April 26, 1965.]

WHEREAS, The recent flood damage in northwestern California resulting in the destruction of many communities and transportation routes is repetitious of the type of damage inflicted by the floods of 1955–56; and

WHEREAS, A tremendous amount of public dollars was expended to reconstruct and repair the damages resulting from the 1955–56 flooding and must again be expended to reconstruct and repair many of those same facilities as a result of the 1964–65 floods; and

WHEREAS, Major flood control projects are now being proposed to mitigate future such damages without apparent concurrent controls over highway route location and control of flood plain developments; and

WHEREAS, Many communities such as Klamath, Klamath Glen, Pepperwood, Weott and others, as well as many of the lumber mills which were destroyed in the 1955 floods, were again destroyed in the 1964 floods; and

WHEREAS, Many of the same bridges, roadbeds, railroad beds and communications facilities which were destroyed in the 1955 floods were again destroyed in the 1964 floods; and

WHEREAS, The Department of Public Works in its report on the 1955 flood noted that ". . . much can be done toward alleviating the hardships and suffering from floods by the proper use and stringent application of zoning regulation on lands subject to overflow . .."; and

WHEREAS, It would seem to be inadvisable to expend huge sums of tax dollars to reconstruct and rehabilitate structures and facilities in the exact locations where historically they have

been destroyed or damaged by flooding and would again be subject to such damage and destruction even if dams are constructed; and

WHEREAS, It is important that every facet of the north coastal area and the Eel River Basin must be examined to determine the interrelated effect and consequence of each land use characteristic so that the optimum advantages can be realized from necessary planning for zoning controls with consequent advantage to any flood control features constructed to the ultimate relief from floods for the residents and relief from repetitive emergency expenditures which may be alleviated thereby; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Administrator of the Resources Agency shall and he is hereby requested to coordinate a detailed study by the respective departments and other units within the Resources Agency and the Highway Transportation Agency of all cause and effect factors contributing to the damages incurred during the floods of the 1964–1965 winter, soliciting the cooperation of all federal, state and local governmental jurisdictions whose services are considered necessary to such inquiry and maintaining communications with and inviting comments, and suggestions from local chambers of commerce, business, industry, landowners and recreation and conservation organizations in the affected counties at all stages of the proposed study; and be it further

Resolved, That the Administrator of the Resources Agency shall report the findings of this inquiry to the Legislature by March 1, 1967, including in such report any recommendations felt to be necessary to protect against future flood damages, including therein proposals for location or relocation of communities, transportation facilities, other utilities and recommendations relating to land use and watershed management; and be it further

Resolved, That a copy of this resolution be immediately transmitted to the Administrator of the Resources Agency.

CHAPTER 68

Senate Joint Resolution No. 17—Relating to egg prices.

[Filed with Secretary of State April 26, 1965]

WHEREAS, The recent unprecedented decline in egg prices has resulted in prices often below the cost of production, and unless consumption of eggs is increased such prices may further decline; and

WHEREAS, The poultry and egg industry is vital to the well-being of the economy of not only California but the entire nation; and

WHEREAS, Literally hundreds of poultry producers will be forced to close down their businesses unless they can receive at least the cost of their producing poultry and eggs, which could result in a serious loss of this vital food to the consuming public; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States and the United States Department of Agriculture are requested to promptly take all appropriate action to increase the consumption of eggs by requesting retailers to promote eggs heavily at this time of low prices and by urging schools to increase their purchase of eggs for use in their feeding programs; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of Agriculture.

CHAPTER 69

Senate Joint Resolution No. 24—Relative to closing of Veterans Administration facilities.

[Filed with Secretary of State April 26, 1965]

WHEREAS, The closing of certain regional offices, hospitals and domiciliaries of the U.S. Veterans Administration is now being considered as an economy move; and

WHEREAS, The closing of the hospitals will necessitate the removal of the patients to other distant hospitals at great inconvenience and hardship to themselves and their families or will result in their discharge and consequent dependence on local welfare facilities, thus decreasing or eliminating the expected savings; and

WHEREAS, There is, at the present time, a list of several thousand awaiting admittance to such hospitals; and

WHEREAS, There will be a continuing and increasing demand for such facilities as the average age of the veterans of World War II and subsequent campaigns advances; and

WHEREAS, The closing of the regional offices would place an undue burden on the veterans in those regions in that they will be deprived of the personal contacts and services provided by these offices; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to conduct a full-scale study and review of the effect that will result from the proposed closing upon the veterans and their families and upon the welfare facilities of the states

and communities affected, before authorizing the closing of these Veterans Administration facilities; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 70

Assembly Concurrent Resolution No. 63—Relative to the death of Arthur A. Ohnimus.

[Filed with Secretary of State April 27, 1965.]

WHEREAS, It was with the deepest sorrow that the Members of the Legislature learned of the death of Arthur A. Ohnimus, the former Chief Clerk of the Assembly and personal friend of many legislators; and

WHEREAS, Arthur was born and reared in San Francisco, graduated from the University of San Francisco School of Law in 1921, and served as Assistant District Attorney in San Francisco, and as a Deputy State Attorney General; and

WHEREAS, A gentle, kindly man, Arthur's career at the Capitol spanned nearly half a century of outstanding service; and

WHEREAS, In 1915 he was made an attaché of the Assembly, in 1921 was elected Minute Clerk, and in 1923 became Chief Clerk; and

WHEREAS, He was continuously reelected Chief Clerk of the Assembly until his retirement in 1963, except for a brief period between 1937 and 1940 when he did not seek the office; and

WHEREAS, His continuous reelection to that position through the years clearly reflects the high esteem and deep respect which Arthur commanded at the Capitol; and

WHEREAS, He also enjoyed the friendship of many men whose names are recorded in the history of California, including many who served in the Assembly; and

WHEREAS, By nature friendly, kind, and extremely considerate of others, Arthur maintained a strict neutrality during his numerous terms as Chief Clerk and as a consequence was of invaluable assistance to the Legislature during the many crises which have plagued the state in its period of rapid growth; and

WHEREAS, The death of this great Californian is an occasion of mourning for his many friends and an occasion of incalculable loss to all of the people of this state who were the beneficiaries of his boundless energies and talents; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members by this resolution express their deep regret and sorrow upon learning of the

death of their good friend and faithful servant, Arthur A. Ohnimus; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit a suitably prepared copy of this resolution to Arthur's widow, Bernice Ohnimus.

CHAPTER 71

Assembly Concurrent Resolution No. 103—Relative to the introduction of bills.

[Filed with Secretary of State April 29, 1965]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That notwithstanding the provisions of Joint Rule 8.3, any Member of the Legislature may introduce on April 26, 1965, any bill which he has requested the Legislative Counsel to draft prior to 5 p.m., April 23, 1965.

CHAPTER 72

Assembly Concurrent Resolution No 97—Approving certain amendments to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a primary nominating municipal election held therein on the sixth day of April, 1965.

[Filed with Secretary of State April 30, 1965]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of amendments, hereinafter set forth, to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Los Angeles and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, L. E. Timberlake, President of the Council of the City of Los Angeles, and Walter C. Peterson, City Clerk of the City of Los Angeles, do hereby certify and declare as follows:

That said, City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascer-

tained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8 of the Constitution of the State of California, the Council of the City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain primary nominating municipal election held on the 6th day of April, 1965, all as required by law, which said proposals were designated as proposed charter amendments 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively.

That on the 19th day of February, 1965, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of February 19, 1965, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 19, 1965, to and including April 6, 1965; and a notice was advertised and published on and from February 19, 1965, to and including April 6, 1965, in "The Los Angeles Daily Journal", a newspaper of general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a primary nominating municipal election held on April 6, 1965, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of the City of Los Angeles, heretofore certified by him to the Council

of said City, and the declaration of the Council of said City of Los Angeles, which pursuant to law met on April 19, 1965, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Proposed Charter Amendment No. 1

The Charter of the City of Los Angeles is hereby amended by amending Section 385, Section 386, by amending subdivisions (d), (f) and (g) thereof and adding subdivision (j) thereto, and Section 391 by amending subsections (1), (2) and (5) thereof, to read as follows:

Sec. 385. Every contract involving an expenditure of more than five hundred dollars ($500.00) shall, except in cases of urgent necessity, as provided in Section 386 of this charter, be made in writing, the draft whereof shall be approved by the board, officer or employee authorized to make the same, and signed on behalf of the city by the Mayor, or some other person authorized thereto by resolution of the Council in the case of a contract authorized by the Council, or, in the case of other contracts, by the board, officer or employee, as the case may be, authorized to make the same; provided, however, that the approval of the City Attorney of any such contract as to form, as required by this charter, except contracts for the purchase of materials or of labor and materials involving the sum of five thousand dollars ($5000.00) or less, shall be endorsed thereon before the Council, or such board, officer or employee shall have power to approve the same.

Excepted from this provision are all contracts for purchases made by the Purchasing Agent under the provision of Section 391

Sec. 386. (d) Except as provided in subdivision (j), every proposal, bid or offer shall be accompanied by a check certified by a responsible bank in the City of Los Angeles payable to the order of the City of Los Angeles for an amount not less than ten per cent of the aggregate sum of the bid, or, in lieu thereof, may be accompanied by a satisfactory surety bond in like amount, guaranteeing that the bidder will enter into the proposed contract if the same be awarded to him. In lieu of the foregoing an annual bid bond sufficient to cover any one proposal, bid or offer may be filed.

The bid likewise shall be supported by a non-collusion affidavit, as provided in Section 388. The officer, board or City Council, having jurisdiction over the bidding, may permit any informality in such affidavit to be remedied, so as to comply with requirements, at any time prior to award of the contract

After bids have been opened and declared except with the consent of the officer, board or City Council having jurisdic-

tion over the bidding, no bid shall be withdrawn, but the same shall be subject to acceptance by the city for a period of three months, or such lesser period as prescribed in the notice inviting proposals to contract.

(f) At the time specified for opening said bids, or at any time to which the matter thereafter may be continued, for report, the contract shall be let to the lowest and best regular responsible bidder furnishing satisfactory security for its performance. This determination may be made on the basis of the lowest ultimate cost of the items in place and use; and where the same are to constitute a part of a larger project or undertaking, consideration may be given to the effect on the aggregate ultimate cost of such project or undertaking The bid of any bidder previously delinquent or unfaithful in the performance of any former contract with the city may be rejected.

(g) Except as provided in subdivision (j), within ten days after the contract is awarded to the successful bidder, said bidder shall execute the contract and post the faithful performance bond. The contract shall comply with Section 389, where the same is applicable.

(j) The Purchasing Agent may, in his discretion, omit the requirement for the surety bond and the faithful performance bond or annual bid bond prescribed in subdivisions (d) and (g), when letting contracts for purchases of materials, supplies and equipment, and for equipment rental and repair and maintenance services as described in Section 391 of this charter.

Sec. 391. (1) All purchases of materials, supplies, equipment and equipment rental, or of repair and maintenance services therefor, required for any officer, board or employee of the city, shall be made by the Purchasing Agent of the city, from the lowest and best regular responsible bidder, upon requisition delivered to him and signed by the department, officer or employee for whom the purchase is to be made or upon his own requisition for this purpose. The requisition signed by the department, officer or employee, for whom the purchase is to be made, shall constitute authority for expenditure of funds allocated for said purchase.

Excepted from this provision are purchases requiring payment from the airport revenue fund, the harbor revenue fund, the library fund, the power revenue fund, the water revenue fund, or any bond funds controlled by the Airport, Harbor, Library, or Water and Power Departments

(2) The Purchasing Agent may prescribe the procedure for preparation and approval of specifications upon which bids are to be asked. Specifications prepared by a department, officer, or employee for whom a purchase is being made, shall be approved by the Purchasing Agent, and his signature shall be sufficient to approve any such specification or acceptance of bid, provided that in any purchase exceeding twenty thousand dollars ($20,000.00), or such other monetary limitation as may be established by ordinance, made for a department placed under the control and management of a board whose members

are required by this charter to devote their entire time to the duties of their office, the said department or in lieu thereof, the City Administrative Officer, shall approve the specifications and the acceptance of bid by said Purchasing Agent.

(5) A written offer and acceptance shall be obtained for all purchases in excess of five hundred dollars ($500.00). In contracts for the purchase of materials let by the Purchasing Agent, the draft of such contracts need not be approved in writing by the City Attorney except for written contracts involving an expenditure of more than twenty thousand dollars ($20,000.00), or such other monetary limitation as may be established by ordinance.

Proposed Charter Amendment No. 2

Sections 28 and 28.1 of the Charter of the City of Los Angeles are hereby amended to read as follows:

Sec. 28. Members of the Council and other officers and employees of the City shall be prohibited from voting or acting upon any matter, contract, sale or transaction to which the City or the Council, or such other officers or employees may be a party, to the extent and in all instances as now or may hereafter be provided by applicable general laws of the State of California. The effect of any such matter, contract, sale or transaction made or handled in violation of this section and the penalty to be imposed on any member of the Council or other officer or employee of the City acting in violation of this section shall be as now or hereafter provided by applicable general laws of the State of California

Sec. 28.1. In the event the City Attorney is requested by any board, or member thereof, officer, except a member of the Council, or employee, to render an opinion upon the question of such board's, board member's, officer's or employee's prohibited interest under Section 28 of this Charter, the City Attorney shall render a written opinion upon such question. Such board, board member, officer or employee may likewise request an opinion from the City Attorney regarding any situation wherein it may not be in the public interest for such board, board member, officer or employee to act in a particular matter, contract, sale or transaction and the City Attorney shall render a written opinion thereon.

In the event that pursuant to such request the City Attorney determines, by written opinion, that such board or board member, officer or employee has a prohibited interest under Section 28 of this Charter, or that it is not in the public interest for such board, board member, officer or employee to act in the matter, contract, sale or transaction involved, the same shall be transferred for action thereon to the Board of Referred Powers, which is hereby created. Unless such transfer is prohibited by an applicable general law of the State of California, the Board of Referred Powers is vested with the same power to act upon any matter, contract, sale or transaction so

transferred to it with the same force and effect as if acted upon by the board, officer or employee from whom the matter, contract, sale or transaction was transferred. The Council shall provide by ordinance for all matters relating to number of members, appointment and functioning of the Board of Referred Powers and the procedure applicable in referring matters to it for its determination.

Proposed Charter Amendment No. 3

Subsection (1) of Section 97 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 97 (1) No ordinance, order or resolution shall be adopted by the Council authorizing, ordering or involving any of the following enumerated matters, unless and until such ordinance, order or resolution shall have first been submitted to the City Planning Commission for report and recommendation concerning the relation of the matter involved to and its effect upon any portion of the master plan of the City or any plans being prepared by said department:

(a) The acquisition, establishing, opening, widening, narrowing, straightening, abandoning or vacating of any public street, road, highway, alley, square, park, playground, airport, public building site, or other public way, ground or open space, but not including easements for local sanitary sewers, storm drains or slopes.

(b) The location, appearance, and width of any bridge, viaduct, subway, tunnel or elevated roadway for the use of pedestrian or vehicular traffic, or the location and appearance of any public building.

It shall be the duty of the City Planning Commission within fifty (50) days from the receipt of any such proposed ordinance, order or resolution, to make and file its report and recommendation thereon with the Council, and should said Commission recommend against the approval thereof, the Council may adopt same only upon a two-thirds vote of the whole of said Council. Should the City Planning Commission recommend approval or fail to make any recommendation within the time mentioned herein, said Council may adopt such ordinance, order or resolution by a majority vote of the whole Council.

Proposed Charter Amendment No. 4

Section 364 of the Charter of the City of Los Angeles is hereby amended to read as follows:

The salaries or wages of all officers and employees of the City shall be paid either monthly, semi-monthly, weekly or bi-weekly as the Council may by ordinance prescribe At the expiration of the period fixed in the ordinance providing for the time of payment of such salaries or wages, a payroll shall be prepared for all persons employed in each department or office during the preceding salary period, in the manner and

form prescribed by ordinance. Such payroll shall be certified as provided in this Charter in the case of demands against the City. Each such payroll duly approved by the Board of Civil Service Commissioners, as in this Charter provided shall be filed with the Controller. Nothing contained in this section shall be deemed to affect or limit the provisions of Section 375 of this Charter.

Proposed Charter Amendment No. 5

The Charter of the City of Los Angeles is hereby amended by adding Sections 501.1, 508.2, 509.1, and 511.1 thereto and amending subsection C of Section 511 thereof to read as follows:

Sec. 501.1.

The final compensation of every member, after the effective date of this Section, shall be calculated upon the average annual compensation earnable of the member during his last three years of service or during any other three consecutive years of service which he shall designate, notwithstanding the definition of final compensation contained in Section 501 which, however, shall continue to be applicable to every case in which a member's retirement allowance or any other person's pension benefit based upon a member's final compensation did or shall become effective and operative as of any date prior to the effective date of this Section.

Sec. 508.2. Continuance to Surviving Spouse.

A. For the purpose of this Section, the following words and phrases are defined as follows:

"Operative Date" This Section shall become operative July 1, 1965 and shall be applicable only to eligible members as herein defined, who retire on or subsequent to said operative date, except in the case of a member compulsorily retired under the provisions of Section 508 on or after May 1 of said year.

"Eligible Member" is hereby defined and shall comprehend and include:

(1) Only those present members of the System who became such prior to said operative date who elect, in writing filed with the Board of Administration within 90 days following the effective date of this Section, to participate in the benefit hereby established and to pay the required survivor contribution. If filed within said 90 day period, but subsequent to said operative date, such election shall be accompanied by a lump sum payment of the amount of the survivor contribution which would have been taken by payroll deduction had such member filed such election prior to said operative date; and

(2) All persons entering or reentering membership subsequent to said operative date, provided however, that in the case of any such member, no credit shall be allowed under the provisions of this Section for service rendered prior to said operative date.

It is the intent, meaning and purpose of "Eligible Member" definition to limit the service credit to be taken into account in the calculation of the unmodified allowance as hereinafter defined, for service rendered prior to the operative date of this Section, to those members of the System as of said operative date who elect to participate in the manner and within the time specified in this definition of "Eligible Member"

"Eligible Spouse" shall mean the surviving spouse of a retired eligible member to whom such member is married at time of retirement and has been so married for at least one year prior thereto.

"Unmodified Allowance" shall mean the total monthly retirement allowance payable to the member as of the date of retirement, calculated in accordance with the provisions of Sections 508 and 508 1, in the case of service retirement, and Section 510, in the case of disability retirement.

"Joint and Survivor Cash Refund Annuity" shall mean an annuity which shall be the actuarial equivalent of the eligible member's total accumulated contributions providing for equal monthly payments during the lifetime of such member and the eligible spouse with payment of any unused contributions, as defined in Section 511 B, upon the death of the last survivor as provided in that Section, calculated in accordance with approved actuarial methods as of the date of retirement

B. Upon the retirement of an eligible member having an eligible spouse, other than one selecting one of the options available under Section 509, the annuity portion of such member's retirement allowance shall be calculated as a joint and survivor cash refund annuity and the amount of pension payable during such member's lifetime shall be the excess of the member's unmodified retirement allowance over such joint and survivor cash refund annuity.

Upon the death of such eligible member survived by such eligible spouse, there shall be continued to such spouse, a retirement allowance which shall consist of:

(1) The joint and survivor cash refund annuity paid during the member's lifetime; and

(2) A pension amount payable during the lifetime of such spouse which shall be the excess of one-half of the unmodified allowance over said joint and survivor cash refund annuity.

C. Upon the retirement of an eligible member having no eligible spouse at time of retirement or one who selects one of the options available under Section 509, the annuity portion of such member's retirement allowance shall be calculated on the basis of his normal accumulated contributions as opposed to the sum of the normal contributions and the survivor contributions taken pursuant to the provisions of this Section.

The excess of such member's total accumulated contributions over the normal accumulated contributions at time of retirement shall be paid to such member, or at his option, considered as additional contributions made to provide a larger annuity benefit.

D. Upon the death of an eligible member before retirement leaving a spouse who is eligible for and elects to take the survivor allowance provided under the provisions of Section 511 A (3), the annuity portion of the allowance to be paid under that subsection shall be calculated on the basis of the member's normal accumulated contributions as opposed to the sum of the normal contributions and the survivor contributions taken pursuant to this Section.

The excess of such deceased member's total accumulated contributions over the normal accumulated contributions at the time of death shall be paid to the surviving spouse, or at the option of such spouse, considered as additional contributions made to provide a larger annuity benefit.

E. From and after the operative date of this Section, every eligible member shall contribute by salary deduction at the rate of contribution established by the Board of Administration on account of the benefit provided by this Section. The rate of such contribution and deduction shall be expressed as a percentage of compensation earnable and shall be a single rate for both sexes, based on age at the time a member becomes an eligible member as defined in this Section and shall be such as will accumulate on the average and on a reserve basis, a sum sufficient for the payment of a survivor annuity payable to the eligible spouse upon the death of the eligible member after retirement equal to one two-hundred-fortieth (1/240) of final compensation, multiplied by the number of years and parts thereof of City service rendered subsequent to the operative date of this Section. The percentage rate for eligible members over age fifty-nine (59) years shall be the rate established for the age of 59 years.

Said contributions shall be known and designated as "Survivor Contributions" and shall be in addition to the contributions taken pursuant to the provisions of Section 507, which contributions shall be known and designated as "Normal Contributions". The rate of contribution to be applied to the compensation earnable of each eligible member shall be the sum of the two percentages and all of the provisions of said Section 507 shall be applicable to the total amount of the contributions and deductions so taken.

F. To fund the additional liabilities assumed by the City under this Section, there shall be included in the annual Budget of the City Employees' Retirement Fund, in addition to the items specified in Section 506, the following:

1. An annual contribution on account of service rendered subsequent to the operative date of this Section expressed as a percentage of the salaries of all members which shall be included in the percentage of such salaries now required under the provisions of subsection (1) of that Section; and

2. A sum sufficient to liquidate, over a period of not to exceed 25 years as determined by the Board of Administration, the liabilities assumed on account of service rendered prior to

the operative date of this Section which shall be in addition to the sum now required under subsection (2) of said Section 506.

Sec. 509.1.

In addition to or in conjunction with the options provided in Section 509, any member or the survivor of a deceased member who selects the optional retirement allowance under the provisions of Section 511 A (3) may, in lieu of the annuity payment calculated on the basis of the refund of unused accumulated contributions as provided in said Section 509, elect to receive an annuity payable only during the life or lives of the persons covered by the option with no payment due upon the death of the last survivor on account of unused contributions as provided in Section 511 B. In all other respects, the provisions of the last paragraph of Section 509 with respect to the liability of the System under the option being equal to the liability of the System under the member's unmodified retirement allowance shall be applicable.

Sec. 511.1. Family Death Benefit Insurance Plan.

For the protection of the families of members who die before retirement, the following death benefit plan is hereby established:

A. For the purpose of this Section, the phrase "Family Death Benefit Plan Member" shall comprehend and include only a member of the System who elects to participate in the coverage provided by this Section Such election shall be made in writing, filed with the Board of Administration within 90 days following the effective date of this Section in the case of any member who has completed 18 or more months of service as of said date, or within 90 days following the completion of 18 months of service in the case of all other members as of said effective date. In the case of all other persons, including those members as of the effective date of this Section who fail to file an election within the time hereinabove set forth, such election may be filed at anytime after the completion of 18 months of service subsequent to the effective date of this Section.

Any Family Plan Member may cancel such membership by filing written notice with the Board of Administration of such cancellation and from and after the first day of the calendar month next succeeding such filing, no contributions on account of the Plan shall be taken. No benefit shall thereafter be paid under the provisions of subsection B of this Section for service rendered prior to such cancellation, nor shall such former member be again eligible to participate in the Plan until he has completed 18 or more months of service subsequent to the date of such cancellation.

B For the purpose of this Section, the phrase, "Death Benefit Plan Service" shall, in the case of those persons who are members of the System on the effective date of this Section and who file their election within the time specified in subsection A of this Section, comprehend and include in addition to service as a contributing family plan member

all periods of service prior to the operative date of the plan for which member contributions are on deposit at the time of filing such election. In the case of all other persons, including any former member returning to membership following a separation from City service, said phrase shall comprehend and include only months of service as a contributing family plan member.

1. Upon the death of a family plan member who has completed at least 18 months of Death Benefit Plan Service:

(a) The widow or widower of such member, having the care and custody of such member's child or children under the age of 18, shall receive a monthly pension of $95.30 per month, plus a like amount for each such child.

(b) In the event there are surviving children under the age of 18 who are not in the care or custody of the member's widow or widower, or in the event there be no widow or widower or in the event of the subsequent marriage of such widow or widower, there shall be paid to the legally appointed guardian of the member's child or children a monthly pension of $95 30 for each such child.

(c) In the event there are surviving children under the age of 18, some of whom are in the care and custody of the member's widow or widower and others of whom are not, then the total pension amount hereinabove provided on account of children, shall be prorated among such children and paid respectively to the widow or widower as to the children in his or her care and custody, and to the legally appointed guardian as to the others

The pension amount payable to a widow or widower under this subsection shall be paid only so long as such person remains unmarried and has a child or children in his or her care and custody on whose account a pension is payable under this subsection.

The phrase "child or children under the age of 18" shall comprehend and include, in addition to, a child who has not attained its 18th birthday as of the date of the member's death; any child who, before reaching the age of 18, has become unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or to be of long continued and indefinite duration. The pension amount payable on account of every child shall cease when such child reaches the age of 18 unless such child was, or has become, disabled as in this paragraph provided, in which case payments on account of such a disabled child shall be continued for the duration of the disability. The Board of Administration shall have the power to hear and determine all matters pertaining to the degree and the duration of any child's disability and the determination of said Board shall be final and conclusive.

2 Upon the death of a family plan member, who has completed at least 120 months of death benefit plan service·

(a) If there be a widow, widower or children, of such member eligible to receive payments under subsection 1 hereof, such payments shall be made as therein provided;

(b) Upon reaching age 62 the widow of such member, if she has not remarried and is not entitled to a widow's payment under subparagraph (a) of this subsection, shall be paid a monthly pension of $104.80 so long as she remains unmarried;

(c) Upon reaching age 62 the widower of such member, if he has not remarried and is not entitled to a widower's payment under the provisions of subparagraph (a) of this subsection, and if during the last year of the member's service he had received at least ½ of his necessary living expenses from such member, shall be paid a monthly pension of $104 80 so long as he remains unmarried;

(d) In the event such member is not survived by a widow, widower or children, but is survived by a parent or parents who during the last year of the member's service had received at least ½ of their necessary living expenses from such member, there shall be paid to each such parent a monthly pension of $95.30 if both parents survive or a monthly pension of $104 80 if only one such parent survives; provided, however, that no such payment shall be made to a parent who has remarried subsequent to the member's death, nor shall such payments begin before the parent has reached age 62, nor shall any payment be continued to a parent who remarries.

In order to qualify for the benefit provided in subparagraph (c) and (d) of this subsection, the widower, parent or parents, as the case may be, must within a period of six months following the member's death, file with the Board of Administration a claim for such benefit payable at age 62, regardless of age at the time of such death, and establish to the satisfaction of said Board the fact of dependency as provided in said subparagraphs. Failure for any reason to file such claim within the time herein specified, shall forever bar the right of such widower, parent or parents, to assert a claim to such benefit.

C. The maximum monthly amount payable under this Section on account of the death of any one member, shall not exceed $254, and in the event the total of the amounts so payable calculated in the manner herein provided shall exceed such maximum, then each of such amounts shall be proportionately decreased

D. In the event any person under the age of 72 on whose account a payment is being made under the provisions of this Section shall have earnings from any gainful occupation as an employee of another, or from self employment, in excess

of $1,200 during any calendar year, then the payments due the ensuing year on account of such person shall be reduced by the following amount:

(1) One dollar ($1.00) for each two dollars ($2.00) of earnings in excess of $1,200 but less than or equal to $1,700, plus

(2) One dollar ($1.00) for each one dollar ($1.00) of earnings in excess of $1,700.

However, every person will be entitled to receive a full monthly pension payment for as many months as the number of months such person earned less than $100 during the preceding calendar year.

The Board of Administration shall determine the amount of such reduction in pension payments.

It shall be the duty of every person receiving payments under the provisions of this Section to make such reports relative to employment, earnings and marital status as the Board of Administration may determine, and failure to furnish any such report within the time and in the manner specified by said Board shall be cause for the suspension or cancellation of any further payments as said Board may in its discretion determine.

E. In the event the surviving beneficiary of a member who dies while eligible to retire under the provisions of Section 508 selects the optional survivorship allowance provided by Section 511A (3), no payments shall be made under this Section on account of such member's death.

F The Board of Administration shall secure such actuarial reports and valuations as may be necessary to establish the cost of the benefits provided by this Section and for the accumulation and maintenance of a fund on a reserve basis sufficient for the payment of such benefits. On the basis of such reports it shall establish and change or modify a rate of contribution for the family plan members and a like rate for the City to the end that such cost shall be borne equally between the family plan members and the City Age and sex shall be disregarded in establishing such rate which shall be expressed as a dollar amount per month per family plan member

Said Board shall certify the dollar amount of the family plan member contribution to the Controller who shall deduct one-half of such amount from the salary paid to each such member for each of two payroll periods during each calendar month and draw a payroll check for the total of the amount so deducted which shall be paid into a special reserve account of the City Employees' Retirement Fund to be designated "Family Plan Death Benefit Account."

Each family plan member, by virtue of the election to participate in the plan, shall be deemed to consent and agree to each such deduction, and payment of each payroll check shall be a full and complete discharge and acquittance of all claims and demands whatsoever for service rendered by such member during the period covered by such payroll. Contribu-

tions taken pursuant to the provisions of this subsection shall be in addition to the member contributions required to be taken under the provisions of Section 507 but they shall not become a part of the member's accumulated contributions nor shall they be refundable under any circumstances

The Board of Administration shall include in the Annual Departmental Budget, in addition to the items specified in Section 506 and for the account of said family plan death benefit account:

(1) An amount equal to the estimated total amount to be contributed by the family plan members during such fiscal year; and

(2) In the event the benefits paid and to be paid under the provisions of this Section during the preceding fiscal year shall exceed the total amount paid into said account by the contributing members, the revenue derived from (1) above and the interest as provided in the next paragraph, an amount equal to such deficit.

Interest shall be credited to said family plan death benefit account at the same time and in the same manner as interest is credited to the other actuarial reserve accounts of the System and the Board of Administration shall keep such record and account of the total amount paid into said account plus the interest credited thereto as will show at any time the total amount so provided less the total amount of benefits

No payment on account of the benefits provided by this Section shall be paid from any other fund or account and every family plan member shall, by virtue of the election to participate in the plan, be deemed to consent and agree to this limitation of liability.

G. This Section and the family death benefit insurance plan hereby established, shall not become operative until the first day of the 4th calendar month next succeeding the effective date of this Section and shall be applicable only in the case of the death of a family plan member who dies after said operative date and, in no event, in the case of the death of any such member prior thereto, nor shall any benefit be paid under the provisions of this section on account of the death of any member after retirement.

In order that the family death benefit insurance plan, established by this Section, may become and remain operative after the date set forth in the preceding paragraph during the balance of the first fiscal year of its operation, the Board of Administration is hereby authorized and directed to advance from such account or reserve as it may determine, an amount equal to the family plan member contributions taken each payroll period and the total amount so advanced shall, during the second fiscal year, be included in the annual department budget in addition to the item specified in subparagraph (1) of subsection "F" of this Section

Sec. 511. Payments Upon Death

C. Upon the death of every member after retirement, the sum of $500 shall be paid to such person as he shall have nominated by written designation duly executed and filed with the Board of Administration, or to the surviving spouse of such deceased member in the event no such designation is filed, or to his child or children in the event there be no designated beneficiary or surviving spouse, provided that such payment shall be made only after satisfactory evidence has been presented to the Board, showing that the expense of burial of such deceased member has been paid or that the obligation to pay therefor has been assumed by a person or persons or an organization legally capable of contracting such obligation. The fact of burial, as evidenced by a certified copy of the death certificate, shall be sufficient evidence of compliance with the requirements stated in the foregoing sentence.

In the event there be no designated beneficiary, surviving spouse or child or children, or in the event the requirements herein stated with respect to the expense of burial of such member have not been complied with within such time as said Board in its discretion may determine, then the payment of the amount specified in this subsection shall be paid to the executor or administrator of the estate of such deceased member, or to any other person legally authorized to receive money due said decedent.

Proposed Charter Amendment No. 6

The Charter of the City of Los Angeles is hereby amended by amending Section 122 thereof to read as follows:

Sec. 122. All officers or employees of any governmental entity engaged in any function of government transferred to or consolidated with the services provided by this city or to be performed by this city under a joint powers agreement shall during the period of such transfer, consolidation or agreement be included within the classified civil service upon the same terms and conditions as are provided in this section in the case of consolidation or annexation of municipalities and special districts.

All officers and employees of any municipality or any special assessment or other special district created under general laws lying wholly within the County of Los Angeles, which may hereafter become a part of the city through consolidation or annexation, and the property and funds, if any, of which district become the property of said city, when such officers or employees would be included in the classified civil service, and who shall have been continuously in the service of such consolidated municipality or annexed district for a period of six months immediately preceding such consolidation or annexation, shall, upon such consolidation or annexation, become employees in a similar capacity, of said city and shall be deemed to have the necessary qualifications required by the

provisions hereof, and shall retain their respective positions until removed for cause, as provided herein, or until the abolition of the position. All such officers or employees who, at the time of such consolidation or annexation, would be included in the classified civil service, but who shall have been continuously in the service of such municipality or district for a period of less than six months immediately preceding such consolidation or annexation shall, upon such consolidation or annexation become employees in a similar capacity, of such city, and shall during the period of six months from and after such consolidation or annexation be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this article.

In the event that the duties of any such officer or employee of any such municipality or district conflict with the duties of any officer of this city, then such officer or employee shall become an employee of this city in such position subordinate to such officer of this city as shall be provided by ordinance.

Proposed Charter Amendment No. 7

The Charter of the City of Los Angeles is hereby amended by amending Sections 349 and 350 thereof to read as follows:

Sec. 349. The budget as adopted by the Council shall forthwith be transmitted by the City Clerk to the Mayor upon whose approval and signature it shall become effective. If the Mayor shall fail to act upon the budget within five (5) days after its adoption by the Council, it shall be signed by the City Clerk and shall thereupon become effective. If the Mayor shall disapprove of any increase, decrease, omission or insertion of any item or items of the budget by the Council, he may veto, restore or otherwise change any such item or items to the amount originally proposed by him or to any amount between that originally proposed by him and that adopted by the Council. The Mayor, however, shall have no power to change any description or limitation made applicable to an item by the Council except to veto such change or to restore the description or limitation to the condition originally proposed by him. Upon completion of such changes as he determines proper, the Mayor shall return the budget to the Council with a statement of his action. Within three (3) days thereafter the Council may overcome such action of the Mayor relative to any item or items of the budget by a two-thirds vote of all its members, whereupon the budget shall be signed by the City Clerk and shall become effective.

Sec. 350. Any item or items of the budget which shall have been vetoed, or otherwise changed by the Mayor, and which shall not be, by a two-thirds vote of all the members of the Council, either readopted notwithstanding the objections of the Mayor or changed to an amount between that as originally adopted by the Council and that as changed by the Mayor,

shall remain as modified by the Mayor, and the budget shall thereupon be signed by the City Clerk and become effective.

Where the Mayor has changed any description or limitation applicable to an item, the Council, in its action pursuant to this section, shall have no power to alter such description or limitation other than to restore it to the condition in which it was originally adopted by the Council.

The several items of the budget shall be deemed appropriated for the ensuing fiscal year to the several purposes, departments and offices therein specified. The budget shall be filed in the office of the Controller and under his direction shall be printed and distributed to officers of the city government and not less than 500 copies to citizens making application to the Controller therefor.

Proposed Charter Amendment No. 8

The Charter of the City of Los Angeles is hereby amended by repealing Section 420 thereof and amending Section 159 and subsection (a) of Section 174 to read as follows:

Sec. 159. The Board of Library Commissioners shall have power to control and order, in the manner in this charter provided, the expenditures of all money coming into the library fund and to appropriate and expend the same for the purposes of the department, in accordance with the provisions of this charter. Said board may invest any surplus funds under its control in bonds or other evidences of indebtedness of the United States, the State of California, or of any political subdivision thereof, and the income derived therefrom shall be deposited in the city treasury to the credit of the library fund.

Sec. 174. The Board of Recreation and Park Commissioners shall have the power:

(a) To control, appropriate, and expend, as in this charter provided, all money coming into the Recreation and Parks fund; and may invest any surplus funds under their control in bonds or other evidences of indebtedness of the United States, or of the State of California, or any political subdivision thereof; and the income derived from any such investment shall be deposited in the City Treasury to the credit of the Recreation and Parks fund

Proposed Charter Amendment No. 9

Subdivision (11) of Section 2 of the Charter of the City of Los Angeles is hereby amended by adding subsection (v) thereto to read as follows:

(v) to acquire and construct public parking lots, garages or other automotive parking facilities, and for the payment of the cost of any thereof, to issue bonds or other securities payable in whole or in part from revenues of any such parking facilities.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 19th day of April, 1965.

(SEAL)

L. E. TIMBERLAKE
President of the Council of the City of Los Angeles
WALTER C. PETERSON
City Clerk of the City of Los Angeles

Approved as to Form and Legality April 19, 1965
ROGER ARNEBERGH
City Attorney
By BOURKE JONES
Assistant

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of the said City of Los Angeles.

CHAPTER 73

Senate Joint Resolution No. 22—Relative to benefits for veterans of the Vietnam Campaign.

[Filed with Secretary of State May 4, 1965.]

WHEREAS, United States military personnel have been engaged in an actual war time situation in Vietnam for several years; and

WHEREAS, They are being subjected to dangers and privations comparable to those which our armed forces endured during World War II and the Korean Emergency, hundreds already having been killed and many more wounded; and

WHEREAS, The campaign in Vietnam is an undeclared war, thus preventing these men from becoming eligible for veterans benefits; and

WHEREAS, The Congress generously recognized the service of the veterans of World War II and the Korean Emergency with educational, housing and other benefits which would be equally appropriate as a recognition of the unsung efforts of these men serving so gallantly the interests of the United States; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States is memorialized to enact legislation conferring benefits, comparable to those given veterans of World War II and the Korean Emergency, to those personnel of our armed forces serving in Vietnam, where the tensions, dangers and privations far exceed the demands normally made by peacetime service; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 74

Assembly Concurrent Resolution No 16—Relative to state correctional institutions.

[Filed with Secretary of State May 4, 1965.]

WHEREAS, The Legislature has determined that a great and largely unused resource for the production of artifacts and materials for exceptional children exists in the correctional institutions of this state; and

WHEREAS, Private manufacturers of these artifacts and materials are not numerous and it is difficult for school districts to obtain these materials at a reasonable cost; and

WHEREAS, It has been determined by the Legislature that federal Rehabilitation Act funds may well be available to the state to finance an expanded program of manufacture of special education materials in the state's correctional institutions; and

WHEREAS, It has been further determined by the Legislature that inmates of the Los Angeles County jail have in the past, and do presently, produce toys and puzzles and other artifacts for mentally retarded children in that county, and conse-

quently it appears that a state program patterned along these lines is feasible and desirable; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Departments of Corrections, Rehabilitation and Education are hereby directed to study the financial and legal modifications necessary to institute an expanded program of manufacture of special education materials in this state's correctional institutions, to include the possible availability of federal funds to support such a program, and to report the results of this study to the Legislature no later than the fifth legislative day of the 1966 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Director of Corrections, the Director of Rehabilitation, and the Superintendent of Public Instruction

---

CHAPTER 75

Assembly Concurrent Resolution No. 67—Relative to meetings of the Regents of the University of California.

[Filed with Secretary of State May 4, 1965.]

WHEREAS, It is the policy of this state, as expressed in the Ralph M Brown Act, that the meetings of the governing boards of the various public commissions, boards, councils and other public agencies of this state shall be open and public; and

WHEREAS, This policy is based upon the sound principle that such commissions, boards, councils and other agencies exist to aid in the conduct of the people's business and that the people should be informed in order that they may retain control over the instruments they have created; and

WHEREAS, Because of the vital interest of the people in the education of the young people of this state this principle is applicable to the board constituted as the regents to govern the University of California; and

WHEREAS, The Legislature presently has before it Assembly Constitutional Amendment No. 19 which, if passed and adopted by the people, would require that the meetings of the regents be open and public; and

WHEREAS, A considerable length of time will elapse before the people can act upon this constitutional amendment and, before they can, many issues will come before the regents about which the people should be informed; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Regents of the University of California are hereby requested to open their meetings to the public in a manner consistent with the Ralph M. Brown

Act and Assembly Constitutional Amendment No. 19; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Regents of the University of California.

CHAPTER 76

Assembly Concurrent Resolution No. 104—Approving the Charter of the City of San Jose, a municipal corporation of the State of California, voted for and ratified by the qualified voters of said city at a general municipal election held therein on the 13th day of April, 1965.

[Filed with Secretary of State May 4, 1965.]

WHEREAS, The City of San Jose, in the County of Santa Clara, State of California, now is, and was at all times herein referred to, a city containing a population of more than 204,000 inhabitants, as ascertained by the last preceding census, taken under the authority of the Congress of the United States; and

WHEREAS, Said City of San Jose at all times mentioned herein was and now is organized and existing under a freeholders' charter, adopted under and in pursuance of the provisions of Section 8 of Article XI of the Constitution of the State of California, which charter was duly adopted and ratified by a majority of the qualified electors of said city at a special municipal election held for that purpose on the 19th day of April, 1915, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 12th day of May, 1915 (Senate Concurrent Resolution No. 21, Chapter 49, Statutes 1915, page 1869; and

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a new charter for said City of San Jose as hereinafter set out in the certificate of the Mayor and City Clerk of the City of San Jose; and

WHEREAS, The Mayor and City Clerk of said City of San Jose have certified as follows:

State of California,
County of Santa Clara, } ss.
City of San Jose

We, the undersigned, Joseph L. Pace, Mayor of the City of San Jose, State of California, and Francis L. Greiner, City Clerk of said city, do hereby certify and declare as follows:

That the City of San Jose, in the County of Santa Clara, State of California, now is and was at all times herein referred to a city containing a population of more than two hundred

four thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said City of San Jose at all times herein mentioned was and now is organized and existing under a freeholders' charter adopted under and in accordance with the provisions of Section eight of Article eleven of the Constitution of the State of California, which charter was duly adopted and ratified by the majority of the qualified electors of said city at a special municipal election held for that purpose on the nineteenth day of April, 1915, and approved by the legislature of the State of California by concurrent resolution filed with the Secretary of State on the 12th day of May, 1915 (Senate Concurrent Resolution No. 21, Chapter 49, Statutes 1915, page 1869).

That pursuant to the provisions of Section eight of Article eleven of the Constitution of the State of California, the Council of the City of San Jose, said Council being the legislative body of said city, on its own motion, duly and regularly caused to be framed a proposed new charter for the government of the City of San Jose; that said proposed charter, so framed, was filed with said Council of the City of San Jose and in the office of the City Clerk of said City on the fifteenth day of February, 1965. That on said fifteenth day of February, 1965, said Council, on its own motion, did order and direct, by resolution, that the proposal for the adoption of said proposed charter be submitted to the electors of said city, for their ratification or rejection, at the general municipal election to be held in said city on Tuesday, the thirteenth day of April, 1965. That said resolution of said Council further ordered and directed the City Clerk of the City of San Jose to publish said proposed new charter in the San Jose News, a daily newspaper of general circulation in the City of San Jose, printed and published in said city, said newspaper being the official newspaper of said city for such purpose, and in all editions of said newspaper issued during the day of publication; also to print said proposed charter in convenient pamphlet form and in type of not less than 10-point and to cause copies thereof to be mailed to each of the qualified electors of the City of San Jose; also to publish in said newspaper, until the day fixed for the election upon said proposed charter, a notice that copies thereof could be had upon application therefor; and also to complete the above mentioned advertising in the above mentioned newspaper not less than forty (40) nor more than sixty (60) days prior to the date fixed for said election, all as required by Section 8 of Article 11 of the Constitution of the State of California.

That on the second day of March, 1965, within fifteen days after the filing of said proposed charter in the office of said City Clerk and with said Council of the City of San Jose, pursuant to said order and pursuant to the provisions of Section eight of Article eleven of the Constitution of the State of Cali-

fornia, said proposed charter was published in the San Jose News, a daily newspaper of general circulation in the City of San Jose, printed and published in said city, said newspaper being the official newspaper of said city for said purpose, and in all editions thereof issued during said day of publication.

That, pursuant to said order and pursuant to the provisions of Section eight of Article eleven of the Constitution of the State of California, copies of said proposed charter were printed in convenient pamphlet form, in type of not less than 10-point, and were mailed to each of the qualified electors of said city; that, on the second day of March, 1965, and on each day thereafter until the day fixed for the election on said charter, an advertisement that copies of said charter could be had upon application therefor at the office of the City Clerk of said city was published in said San Jose News, a daily newspaper of general circulation in said city, printed and published in said city, said newspaper being the official newspaper of said city for said purpose; that copies of said pamphlet containing said proposed charter were available, and could be had upon application therefor, at the office of said City Clerk on and after the second day of March, 1965 to and including the thirteenth day of April, 1965, the date fixed for the election on said charter.

That the date fixed for submission of said charter to the electors of the City of San Jose, to wit: the thirteenth day of April, 1965, was not less than forty days, nor more than sixty days, after the completion of the advertising in the above mentioned newspaper as aforesaid.

That said election on said proposed charter was duly and regularly held and conducted at and in the time, form and manner required by the Constitution of the State of California, the Charter of the City of San Jose and all applicable election laws, on said thirteenth day of April, 1965.

That at said election so held on Tuesday, the thirteenth day of April, 1965, a majority of the qualified electors voting on the proposal for the adoption of said proposed charter voted in favor of and did ratify said proposed charter; and that the Council of the City of San Jose, after the returns of said election were duly canvassed as required by law, did find, determine and declare that a majority of the qualified voters voting on the proposal for the adoption of said charter voted in favor of the adoption of and ratified said proposed charter.

That said charter so adopted and ratified by the majority of the qualified electors of the City of San Jose voting thereon at said general municipal election is in words and figures as follows, to wit:

CHARTER OF THE CITY OF SAN JOSE

ARTICLE I
Incorporation and Succession

Section 100. Name. The City of San Jose, in the County of Santa Clara, State of California, shall continue to be a municipal corporation under its present name of "City of San Jose."

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

Section 102. Succession, Rights, Powers and Liabilities. The City of San Jose shall remain vested with and shall continue to own, have, possess, control and enjoy all property, rights of property and rights of action of every nature and description (including but not limited to all pueblo lands and pueblo rights) owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of the same. It shall be subject to all debts, obligations and liabilities which exist against the municipality at the time this Charter takes effect.

ARTICLE II
Powers of the City

Section 200. General Powers. The City of San Jose shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. The City shall also have all other rights, powers and privileges which are not prohibited by, or in conflict with, the State Constitution or the Charter and which it would be proper to specifically set forth in this Charter even though such are not herein set forth. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution and laws of the State of California.

The enumeration or specification in this Charter of any particular power shall not be held to be exclusive of or any limitation upon the generality of the foregoing provisions.

Section 201. Special Powers. The City shall have the following special power: To acquire any property outside the City limits by eminent domain, or otherwise, for municipal purposes.

Section 202. Procedures. The City shall have the power to act and may act pursuant to any procedure established by any law of the State unless a different procedure is established by this Charter or by ordinance.

Section 203. Continuity of Government in Event of Disaster. In order to provide for continuity of City government during any emergency resulting from war, enemy-caused calamity or other disasters of whatever nature, and in order to otherwise handle any such emergency, the Council is hereby empowered, anything elsewhere in this Charter to the contrary notwithstanding, to:

(a) Provide for the appointment or designation of persons to exercise the powers and discharge the duties of any City offices, whether elective or appointive, during any such emergency, in the event the regularly elected or appointed incumbents of said offices are killed, missing, disabled or for some other cause unable or unavailable to perform the functions and duties of their respective offices, until said incumbent officers perform or resume performance of their functions and duties or until, where an actual vacancy exists, a successor is elected or appointed, pursuant to other provisions of this Charter, to fill such vacancy:

(b) Provide for the preservation of essential records needed to protect the rights of individuals and to conduct emergency operations;

(c) Provide for the establishment of emergency locations for City government so that the City could continue to operate;

(d) Provide for the formulation of plans to use all personnel, facilities and equipment of government for emergency action;

(e) Do such other things as may be authorized by the laws of the State of California for such purposes.

ARTICLE III
Form of Government

Section 300. Form of Government. The municipal government established by this Charter shall be known as the "Council-Manager" form of government.

ARTICLE IV
The Council

Section 400. Powers Vested in Council. All powers of the City and the determination of all matters of policy shall be vested in the Council, subject to the provisions of this Charter and the Constitution of the State of California.

Section 401. Composition of Council. The Council shall consist of seven (7) members, one of whom shall be the Mayor, each of whom shall have the right to vote on all matters coming before the Council. Except as otherwise provided elsewhere in this Charter, the members of the Council, including the member who is also to be Mayor, shall be elected, as hereinafter provided, at General Municipal Elections from the City at large. The office of each member of the Council, including the

office of the member who is to be Mayor, is and shall be deemed to be a separate office to be separately filled No person shall be a candidate for more than one such office; and, except as otherwise provided elsewhere in this Charter, no incumbent member of the Council shall be a candidate for any Council seat other than the one which he holds. The person receiving the majority of the votes cast for each designated office shall be declared elected; and, except as may be otherwise provided elsewhere in this Charter, no person shall be deemed or declared elected to any such designated office unless he receives a majority of the votes cast for such office.

Section 402. Terms of Office. Except as otherwise provided elsewhere in this Charter, each member of the Council, including the Mayor, elected to such office at a general municipal election held after the effective date of this Charter shall be elected for a term of four (4) years from and after the first day of July next following his election.

The three (3) members of the Council in office at the time this Charter takes effect whose terms under the preceding Charter would expire in 1967 shall continue to hold office as members of the Council until the end of the 30th day of June, 1967. The four (4) members of the Council in office at the time this Charter takes effect whose terms under the preceding Charter would expire in 1969 shall continue to hold office as members of the Council until the end of the 30th day of June, 1969. The person holding the office of Mayor at the time this Charter takes effect shall continue to serve as Mayor until the end of the 30th day of June, 1966; and, at the first regular meeting of the Council in July, 1966, the Council shall elect one of its members to serve as Mayor until the end of the 30th day of June, 1967.

Section 403. Elections; Designation of Seats. The first election at which a Mayor and members of the Council shall be elected shall be the general municipal election held in the year 1967. At such election persons shall be elected to fill the seats of those three (3) members of the Council whose terms expire at the end of the 30th day of June, 1967, and to fill such other vacancies in the Council, if any, as are required by other provisions of this Charter to be filled at such election. At the general municipal election held in 1969 persons shall be elected to fill the seats of those four (4) members of the Council whose terms expire at the end of the 30th day of June, 1969, and to fill such vacancies in the Council, if any, as are required by other provisions of this Charter to be filled at such election. Thereafter, at each general municipal election, successors shall be elected to fill the seats of those members of the Council, including the member of the Council who is also Mayor, whose terms expire at the end of the 30th day of June in the year of such election.

For purposes of said elections and prior to the holding of the general municipal election in 1967, the City Clerk shall designate each Council office by an appropriate descriptive

designation, as follows: One of the seats of those members of the Council whose terms expire at the end of the 30th day of June, 1967 shall be designated as "Mayor"; the other six (6) seats shall be designated as "Councilman, Seat No. 2," Councilman, Seat No. 3," "Councilman, Seat No. 4," "Councilman, Seat No. 5," "Councilman, Seat No. 6," and "Councilman, Seat No. 7," respectively. The designation so given to each such office shall thereafter be used in all elections, nomination papers, certificates of election and all other election papers pertaining or referring to such office, and to designate incumbency of such office.

The person elected at any election to the office designated "Mayor" shall be deemed elected both as Mayor and as a member of the Council.

Section 404. Eligibility. No person shall be eligible to be a candidate for or to take or hold office as Mayor or as a member of the Council unless he is a resident and qualified registered elector of the City of San Jose.

Section 405. Judge of Qualifications. The Council shall be the judge of the election and qualification of its members, including the Mayor, and of any other elective officer, and of the grounds for forfeiture or loss of their respective offices, and for that purpose shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member, or the Mayor, or the holder of any other elective office, charged with conduct constituting grounds for forfeiture or loss of his office shall be given, if he so demands, an opportunity to be heard in his own defense at a public hearing after reasonable notice to such member.

Section 406. Holding Other Office. Except as authorized by this Charter, no member of the Council shall hold any other City office or City employment, other than Mayor, during the term for which he was elected to the Council; provided and excepting, however, that a member of the Council may become a member of any advisory, administrative or governing body of any special purpose district, entity, organization or committee when such is authorized by State law or where the offices are not incompatible.

Section 407. Compensation. From and after July 1, 1967, the Mayor shall receive, as compensation for his services as Mayor and as a member of the Council for each calendar month during which he is both Mayor and a member of the Council, the sum of Six Hundred Dollars ($600) without any deduction because of his failure to attend any Council meetings.

From and after July 1, 1967, each member of the Council, except the Mayor, shall receive, as compensation for each calendar month during which he is a member of said Council, the sum of Four Hundred Dollars ($400), less the sum of Fifty Dollars ($50) per each regular meeting of the Council, other than regular adjourned meetings, and other than meetings during which he is away on authorized City business, which he fails to attend in each such calendar month.

Until July 1, 1967, each member of the Council including the Mayor shall receive as compensation the sum of Five Dollars ($5) for each Council meeting attended, provided that the total compensation of each member of the Council shall not exceed Twenty-five Dollars in any one month. Also, until July 1, 1967, the Mayor shall receive no compensation other than such compensation as he may be entitled to as a member of the Council.

Section 408. Reimbursement. The members of the Council and the Mayor shall receive reimbursement, if and to the extent such is authorized by the Council, for expenses incurred in the performance of their duties or functions of office.

Section 409. When Office Becomes Vacant. The office of a member of the Council or of the Mayor becomes vacant on the happening of any of the following events before the expiration of such officer's term:

(a) The death of the incumbent;

(b) Insanity of the incumbent, when determined by a final judgment or final order of a court of competent jurisdiction;

(c) Resignation of the incumbent;

(d) The incumbent ceases to be a registered and qualified elector of the City of San Jose;

(e) Removal of the incumbent from office;

(f) Absence of the incumbent from the State of California for more than sixty (60) days, unless either upon business of the City or with the consent of the Council. In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the State shall be extended by the Council;

(g) The incumbent ceases to discharge the duties of his office for a period of three (3) consecutive months except when prevented by sickness or when absent from the State with permission required by this Charter;

(h) The incumbent being convicted of a felony or of any offense involving a violation of his official duties;

(i) The refusal or neglect of the incumbent to file his official oath or bond, if such is required by law, within the time prescribed by law;

(j) The decision of a competent tribunal declaring void the incumbent's election or appointment;

(k) The making of an order vacating the incumbent's office or declaring his office vacant when he fails to furnish an additional or supplemental bond if such is required of him by law;

(*l*) The commitment of the incumbent to a hospital or sanitarium, by a court of competent jurisdiction, as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in such event the office shall not be deemed vacant until the order of commitment has become final;

(m) The incumbent's absence from five (5) consecutive regular meetings of the Council, unless excused by written resolution of the Council. No such excuse shall operate retro-

actively. No resolution shall excuse an incumbent's absence from more than five (5) consecutive regular meetings immediately following the date of adoption of such resolution, although additional resolutions may be adopted excusing an incumbent's absence from not more than five (5) additional regular meetings immediately following the date of each such resolution. For purposes of this subsection, regular meetings from which an incumbent has been absent shall not be deemed consecutive if separated by one or more regular meetings at which such incumbent has been present or his absence from which has been excused by the Council. Also, for purposes of this sub-section, "regular meetings" shall not be deemed to mean or include "regular adjourned meetings," "special meetings," or any committee meetings

Section 410. Filling of Vacancies. A vacancy in any elective office, from whatever cause arising, shall be filled by the Council, by majority vote of its remaining members, until the end of the 30th day immediately following the next general municipal election, and at such election a successor shall be chosen by the electors of the City for the remainder, if any, of the unexpired term; provided, however, that if such vacancy occurs within the ninety (90) days immediately preceding the next general municipal election the vacancy shall be filled by the Council, by majority vote of its remaining members, for the entire unexpired term.

If the Council should fail to fill a vacancy by appointment within sixty (60) days after occurrence of such vacancy, it shall forthwith cause an election to be held to fill such vacancy for the unexpired term.

If all the offices of members of the Council and of the Mayor should become vacant and no member of the Council remains to fill any of said vacancies, successors may be appointed pursuant to the general laws of the State of California to fill such vacancies until qualified persons are elected to fill such offices In such cases the City Clerk, as soon as reasonably possible, shall call and conduct a special municipal election to fill such offices for the remainder, if any, of the unexpired terms.

Section 411. Interference with Administrative Matters. Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees

Except for the purpose of inquiries and investigations under Section 416, the Council, its members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, the City Attorney, City Auditor or City Clerk, solely through the City Manager, City Attorney, City Auditor, or City Clerk, respec-

tively, and neither the Council nor its members nor the Mayor shall give orders to any subordinate officer or employee, either publicly or privately.

Section 412. Meetings of the Council. The Council shall provide, by ordinance or resolution, not inconsistent with other provisions of this Section, for the time, place, and manner of holding its meetings. Copies of such ordinances or resolutions shall be kept on file in the office of the City Clerk where they shall be available for public inspection. To the extent that they are not inconsistent with other sections of this Charter, the provisions of Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code, as they now exist or may hereafter be amended, insofar as they relate to the right of the public to attend meetings of the Council, the adjournment of regular or adjourned regular meetings, the calling of special meetings and the holding of executive sessions, shall govern meetings of the Council. No business shall be considered at any special meeting other than such as is specified in the notice of such meeting.

Section 413. Citizen Participation. Within the established rules for the conduct of its official proceedings, no person shall be denied the right personally, or through authorized representatives, to present grievances or offer suggestions for the betterment of municipal affairs at any regular meeting of the Council.

Section 414. Quorum. Except as otherwise specifically provided elsewhere in this Charter, a majority of the entire membership of the Council shall be necessary to constitute a quorum to do business, but a lesser number may adjourn from time to time.

Section 415. Rules and Procedure. The Council shall establish rules for the conduct of its proceedings and to preserve order at its meetings. It shall cause a record of its meetings to be maintained and this record shall be open to public inspection.

Section 416. Investigations. The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Disobedience of any subpoena or the refusal to testify upon other than constitutional grounds shall be punishable by contempt proceedings.

ARTICLE V
The Mayor

Section 500. Election and Term There shall be a Mayor of the City of San Jose Except as otherwise provided elsewhere in the Charter, he shall be elected at a General Municipal Election as provided in Article IV of this Charter, from the City at large, for a term of four (4) years from and after the first day of July following his election. Any incumbent

member of the Council may run for the seat of Mayor, and the Mayor may run for the seat of Mayor or for any other seat on the Council; however, no member of the Council shall hold more than one seat thereof.

No person who has been elected to the office of Mayor for two (2) successive four-year terms shall be eligible to run for election to the office of Mayor, nor to serve as such, for any additional successive term; but the above shall not disqualify any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive, nor for any parts of terms which are not successive.

Section 501. Political Position. It is the intent of this Article that the Mayor shall be the political leader within the community by providing guidance and leadership to the Council, by expressing and explaining to the community the City's policies and programs and by assisting the Council in the informed, vigorous and effective exercise of its powers. Political leadership shall be concerned with the general development of the community and the general level of City services and activity programs.

Section 502. Powers and Duties. The Mayor shall have the following powers and duties:

(a) The Mayor shall have the power to make recommendations to the Council on matters of policy and program which require Council decision: provided, that if he recommends any increases in the City budget, he shall recommend the method of financing such expenditures; and provided, further, that if he proposes curtailment of service, such recommendations and his reasons therefor shall be specific. He may also, on his own account, inform the community on matters of policy or program which he believes the welfare of the community makes necessary;

(b) The Mayor shall preside at meetings of the Council and shall have a vote as a member of the Council. He shall have no veto powers.

(c) The Mayor shall have authority to preserve order at all Council meetings, to remove or cause the removal of any person from any meeting of the Council for disorderly conduct, to enforce the rules of the Council and to determine the order of business under the rules of the Council;

(d) The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the Council, provided the same are not inconsistent with this Charter.

Nothing in this Section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as Chief Administrative Officer and head of the administrative branch of the City government as prescribed in other sections of this Charter. Except as otherwise herein provided, the Mayor shall possess only such authority over the City Manager and the administrative branch as he possesses as one member of the Council.

Section 503. Vice Mayor. At the second meeting of the Council following the first day of July in each general municipal election year, and also at the second meeting of the Council following the appointment of a person to the Council to fill a vacancy, the Council shall elect one of its members as Vice Mayor who, until a person is appointed to succeed him or until his office otherwise becomes vacant, shall serve as Mayor during the temporary absence or inability of the Mayor to discharge the duties of such office. In case of the temporary absence or disability of both the Mayor and the Vice Mayor the Council shall elect one of its members to act as Mayor Pro Tempore.

Section 504. Vacancy. The office of Mayor shall become and be deemed vacant immediately upon the incumbent's ceasing to be a member of the Council.

ARTICLE VI
Legislation

Section 600. Council Action; Method The Council shall act only by ordinance, by resolution or by motion made, seconded and adopted The vote on all ordinances, resolutions and motions shall be by "ayes" and "noes" The individual vote of each member of the Council shall be entered in the minutes of the Council, except that where a vote is unanimous it may be so recorded. Upon request of any member, a roll-call vote shall be taken and recorded on any vote. Whenever a roll-call vote of the Council is in order, the City Clerk shall call the names of members in alphabetical order except that the name of the presiding officer shall be called last All members present shall be required to vote unless disqualified from doing so by law All written ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk

Section 601. Council Action, Vote Required Except as otherwise provided elsewhere in this Charter, no ordinance, resolution or motion shall be passed, adopted, or become effective unless it receives the affirmative vote of at least four (4) members of the Council.

Section 602. Ordinances, When Required The following acts of the Council shall be by ordinance:

(a) Those acts required by specific provision of this Charter to be by ordinance;

(b) Each act the violation of which will constitute a misdemeanor punishable by a fine or other penalty;

(c) Each act imposing a new or additional tax, other than the annual property tax;

(d) Each act granting a franchise.

Section 603. Ordinances, Requisites Of. Every proposed ordinance shall be introduced in writing. The enacting clause shall be "Be it Ordained by the Council of the City of San Jose." Each ordinance shall contain a title which shall state in general terms the subject or subjects contained in the ordinance No section of any ordinance or of any code shall be

amended unless the whole section to be amended is set forth as amended.

Section 604. Ordinances, Procedure for Adoption. Except as otherwise provided elsewhere in this Charter, and with the exception of ordinances which take effect immediately upon adoption, hereinafter referred to in this Article, no ordinance shall be adopted unless (a) it is first passed for publication; (b) it is "published" prior to adoption as hereinafter provided in this Article, and (c) at least six (6) days have elapsed between the date it was passed for publication and the date it is adopted.

Ordinances which take effect immediately upon adoption, hereinafter referred to in this Article, may be adopted without compliance with the above provisions of this section.

Section 605. Ordinances; Effective Date. Except as otherwise provided in this Charter, each adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or at any later date specified therein.

The following ordinances shall take effect immediately upon adoption:

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

(b) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing a rate of ad valorem taxation or levying the annual tax on property;

(c) An ordinance providing for a tax levy or appropriation for the usual current expenses of the City;

(d) An ordinance adopted as and declared by the Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety, containing a statement of the facts constituting such urgency, if adopted by the affirmative votes of at least five (5) members of the Council;

(e) An ordinance relating to a bond issue;

(f) An ordinance adopted pursuant to a State law by virtue of which such ordinance shall be effective immediately.

Nothing contained in this section shall be deemed to require an ordinance when an ordinance is not otherwise required.

Section 606. Codification. To the extent that it has not already so done, the Council shall cause to be codified all general ordinances in force, and cause the same to be printed in book, pamphlet or looseleaf form for the use of the City, its officers and the public.

Section 607. "Published" Defined. Any ordinance which is required by other provisions of this Charter to be "published" prior to its adoption shall be deemed to have been so "published," as said term is used in this Charter, if either the entire ordinance as passed for publication or the part thereof which is required by the following provisions of this section to be published, is printed in a newspaper of general circulation in the City no later than the third day immediately preceding the date of its adoption.

(a) Ordinances Less Than 5,000 Words Long If any such ordinance, including its title, enacting clause and body but excepting anything which it adopts or incorporates by reference pursuant to the provisions of Section 608, is less than five thousand (5,000) words in length, the entire ordinance, excepting such things as it adopts or incorporates by reference pursuant to the provisions of Section 608, shall be published as above provided;

(b) Ordinances 5,000 or More Words in Length. If any such ordinance, including its title, enacting clause and body but excepting anything which it adopts or incorporates by reference pursuant to the provisions of Section 608, is five thousand (5,000) words, or more, in length, only the title of the ordinance, together with a statement that a copy of such ordinance is on file and available for public inspection in the office of the City Clerk, need be published as above provided.

Section 608. Adoption or Incorporation by Reference. Subject to the conditions hereinafter specified in this Section, the Council is hereby authorized to enact ordinances which adopt or incorporate by reference, in whole or in part, directly or indirectly, any of the following things without publishing all or any part of the things so adopted or incorporated by reference, to wit:

(a) Any statutes, laws or codes or compilations of laws adopted by the legislative body of the federal government or the State of California;

(b) Any maps, sketches, diagrams, drawings, plans or other pictorial representations of any things, together with any explanatory or identifying material written thereon, provided a copy thereof is on file in the office of the City Clerk, available for public inspection, and reference is made to said copy in the adopting or incorporating ordinance;

(c) Any other things, including but not limited to any codes or compilations of any existing or proposed rules, regulations, standards or ordinances, or of any existing or proposed revisions thereof, provided the adopting or incorporating ordinance plus the things which it adopts or incorporates by reference pursuant to the provisions of this sub-section, are not less than five thousand (5,000) words long, and provided, further, that a copy of the things adopted or incorporated by reference is on file in the office of the City Clerk available for public inspection, and reference is made to such copy in the adopting or incorporating ordinance.

Section 609. Violation and Penalty. The Council may make the violation of its ordinances a misdemeanor for which a violator may be prosecuted in the name of the People of the State of California, and may prescribe punishment for each violation by a fine not to exceed Five Hundred Dollars ($500) or by imprisonment not to exceed six (6) months, or by both fine and imprisonment. Such violations may also be redressed by civil action.

ARTICLE VII
City Manager

Section 700. Appointment, Term and Compensation. There shall be a City Manager. He shall be appointed by the Council for an indefinite term. The Council shall fix his compensation.

Section 701. Powers and Duties. The City Manager shall be the chief administrative officer of the City. He shall be responsible to the Council for the administration of City affairs placed in his charge by or under this Charter. Without limiting the foregoing general grant of powers, responsibilities and duties, he shall have the following powers and duties:

(a) Subject to the Civil Service provisions of this Charter and of any Civil Service Rules adopted pursuant thereto, and except as otherwise provided elsewhere in this Charter, he shall appoint all City officers and employees of the City; and, when he deems it necessary for the good of the service, he may, subject to the above-mentioned limitations, suspend without pay, demote, discharge, remove or discipline any City officer or employee who under this Charter is appointed by the City Manager.

(b) Except as otherwise provided elsewhere by this Charter, he shall direct and supervise the administration of all departments, offices and agencies of the City;

(c) He shall have the right to attend all meetings of the Council, other than closed executive sessions where he is the subject of discussion, and to take part in its discussions, but not to vote. He shall attend all regular and special meetings of the Council unless prevented by illness or physical incapacity or unless his absence has been authorized by the Council;

(d) He shall be responsible for the faithful execution of all laws, provisions of this Charter, and acts of the Council which are subject to enforcement by him or by officers who are under his direction and supervision;

(e) He shall prepare and submit the annual budget to the Council;

(f) He shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;

(g) He shall make such other reports as the Council from time to time may request concerning the operations of City departments, offices and agencies subject to his direction and supervision; shall keep the Council fully advised as to the financial condition and future needs of the City; and make such recommendations to the Council concerning the affairs of the City as he deems desirable;

(h) He shall exercise such other powers, and shall perform such other duties, as are specified in this Charter or may be authorized or required by the Council.

Section 702. Removal By Council. The Council may remove the City Manager from office at any time.

Section 703. Removal By People. The City Manager may be removed from office by the People of the City pursuant and subject to the provisions of Section 1604 of this Charter.

Section 704. Acting City Manager. The City Manager may appoint, subject to approval of the Council, or if he fails to do so the Council may appoint, an officer of the City as Acting City Manager to exercise and perform the powers and duties of the City Manager during the temporary absence or disability of the City Manager.

ARTICLE VIII
Administrative Organization

Section 800. General Provisions. Subject to the limitations hereinafter specified in this section, the Council shall have the following powers and duties:

(a) The Council, in its discretion, may at any time establish such City offices, departments and agencies, in addition to those established by this Charter, as it may desire; and shall prescribe the respective functions, powers and duties of such additional offices, departments and agencies. The Council shall also prescribe the respective functions, powers and duties of those departments which are established by Section 807 of this Charter. The Council may at any time add to, take away, reduce or otherwise change the respective functions, powers and duties of any of the above mentioned offices, departments and agencies. The Council may at any time abolish or discontinue any office, department or agency other than those established by this Charter. The Council may also, at any time, prescribe additional functions, powers or duties for those offices and departments specified in Sections 803 to 807, inclusive, and may at any time take away, reduce or otherwise change all or any of such additional functions, powers or duties;

(b) Subject to the limitations hereinafter specified in this sub-section, the Council may transfer to any "public agency", or consolidate with the functions of any "public agency", all or any of the powers, duties or functions of any office, department or agency established by or pursuant to the provisions of this Article, or contract with any "public agency" or any "private agency" for the performance or exercise by such public or private agency for or on behalf of the City, or for the joint performance or exercise by the City and any such "public agency" or "private agency", of any of said powers, duties or functions. As used in this sub-section, "public agency" means the United States of America, the State of California, any division, department, office, agency or political subdivision of the United States or of the State of California, or any county, municipal corporation (other than the City of San Jose), district, authority or other governmental body or organization; and, as used in this sub-section, "private agency" means any private corporation, firm, association, organization or person. No such transfer, consolidation or con-

tract shall be made or authorized except by ordinance. In case of, and during the term of, any such transfer, consolidation or contract, any provisions of this Charter, or of any ordinance or resolution, providing for the exercise or performance of such powers, duties or functions by a City office, department or agency shall be deemed suspended. Each such transfer, consolidation or contract, excepting contracts for specific improvements or projects, and excepting contracts for specific studies or reports to be completed within five or less years, shall be terminable by ordinance at any time following the expiration of one (1) year from and after the effective date of such transfer, consolidation or contract, or at any time following the expiration of such shorter period of time as may be specified in the ordinance or contract providing for such transfer or consolidation or in the contract providing for the performance of said powers, duties or functions.

Anything hereinabove in this section to the contrary notwithstanding, however, unless authorized by other sections of this Charter, no function assigned by this Charter to the office of City Clerk, City Attorney, or City Auditor, or to the Finance Department, shall be discontinued, nor assigned or transferred to or consolidated with any functions of or be permitted to be performed by any other office, department or agency of the City nor any "public agency" or "private agency" as said terms are hereinabove defined; excepting, however, that the Council may, by contract, provide for the furnishing or performance of special services by a "public agency" or "private agency" to assist the office of the City Clerk, City Attorney, or City Auditor or the Department of Finance in the performance of those functions, powers and duties assigned to them by this Charter if and when such contractual service or assistance is requested by the head of such office or department.

Section 801. Direction by City Manager. Except as otherwise provided elsewhere in this Charter, all offices, departments and agencies established by or pursuant to the provisions of this Article shall be administered by an officer appointed by and subject to the direction and supervision of the City Manager.

Section 802 Organization, Conduct and Operation of Departments. By action not inconsistent with other provisions of this Charter, the Council shall provide for the organization, conduct and operation of the several offices, departments and agencies of the City.

Section 803. Office of City Attorney. The office of City Attorney is hereby established The City Attorney shall be an attorney at law, and shall be licensed to practice law in the State of California. In addition, he shall have had at least five (5) years of experience in the practice of law prior to his appointment. Except as otherwise provided in this Charter, the City Attorney shall have the following powers and duties:

(a) Represent and appear for the City, its Council, boards

and commissions, in any or all legal actions or proceedings in which they or any of them are concerned or are a part;

(b) Upon request of an officer or employee or former officer or employee of the City, defend such officer or employee or former officer or employee in any action or proceeding brought against him, in his official or individual capacity or both, on account of an act or omission in the scope of his employment as an officer or employee of the City, whenever the City is required by the general laws of the State of California to provide such defense or whenever the Council elects to provide such defense even though not required to so do; provided and excepting, however, that the City Attorney may refuse to provide such defense whenever, in his opinion, his providing such defense would conflict with his other duties or responsibilities, in which event the City, if required by the general laws of the State to provide such defense or if it elects to provide such defense though not required by the general laws to do so, shall provide other legal counsel for such purpose;

(c) Advise the Council and all City boards, commissions and officers in all matters of law pertaining to their offices or their powers and duties;

(d) Perform other legal services required by the Council.

The Council may retain or employ, by contract or otherwise, other attorneys to take charge of any litigation or legal matter or to assist the City Attorney therein, or may purchase insurance which requires the insurer to provide for the defense of the City and/or of its officers and employees in connection with any matter covered by such insurance.

Except as may be otherwise provided by the Council, the City Attorney shall be under the direction and supervision of the Council.

Section 804. Office of City Clerk. The office of City Clerk is hereby established. The City Clerk shall have the following powers and duties:

(a) Attend all regular and special meetings of the Council, unless prevented by illness or physical incapacity or unless his absence has been authorized by the Council; and keep an accurate record of the proceedings of the Council;

(b) Keep a record of all ordinances of the City, and of all written resolutions adopted by the Council, in such manner that the information contained therein will be readily accessible to the public. To each ordinance contained in such record he shall annex or attach his certificate stating (1) that it is the original copy of such ordinance or, if the ordinance contained in his record is not the original copy, that it is a true and correct copy of the ordinance, and (2) if the ordinance was one required by law to be published, that it has been published pursuant to law;

(c) Keep all other records of Council proceedings and of his office in such manner that the information contained therein will be readily accessible to the public until such time as any of them are destroyed in accordance with State law;

(d) Be custodian of the seal of the City;

(e) Administer oaths or affirmations and take affidavits and depositions in connection with or pertaining to City affairs or business; and certify copies of official records of his office;

(f) Have charge of all City elections;

(g) Be responsible for the publication of all official advertising of the City; and

(h) Perform such other duties consistent with this Charter as may be required of him by the Council.

Except as may be otherwise provided by the Council, the City Clerk shall be under the direction and supervision of the Council.

Section 805. Office of City Auditor. The office of City Auditor is hereby established. The first City Auditor under this Charter shall be the person last elected to the office of City Auditor under the immediately preceding Charter provided he hold such office at the time this Charter takes effect, or, if he does not hold such office at such time, a person to be appointed by the Council to such office as soon as such can reasonably be done after this Charter takes effect. He shall hold such office for a term extending to and ending on the 30th day of June, 1969. Thereafter, the City Auditor shall be appointed by the Council. Each such appointment shall be made as soon as such can reasonably be done after the expiration of the latest incumbent's term of office. Each such appointment shall be for a term ending four (4) years from and after the date of expiration of the immediately preceding term; provided, that if a vacancy should occur in such office before the expiration of the former incumbent's term, the Council shall appoint a successor to serve only for the remainder of said former incumbent's term.

The office of City Auditor shall become vacant upon the happening before the expiration of his term of any of the events set forth in sub-sections (a), (b), (c), (d), (e), (h), (i), (j), (k) and (l) of Section 409 of this Charter. The Council, by resolution adopted by not less than six (6) members of the Council, may remove an incumbent from the office of City Auditor, before the expiration of his term, for misconduct, inefficiency, incompetence, inability or failure to perform the duties of such office or negligence in the performance of such duties, provided it first states in writing the reasons for such removal and gives the incumbent an opportunity to be heard before the Council in his own defense; otherwise, the Council may not remove an incumbent from such office before the expiration of his term

The City Auditor shall have the following powers and duties:

(a) Conduct a continuing post audit of all the fiscal transactions of the City including but not limited to the examination and analysis of fiscal procedures and the examination, checking and verification of accounts and expenditures;

(b) Prepare and submit to the City Council, in each calendar month, a written report of his activities and findings in the immediately preceding calendar month, together with such recommendations, if any, as he may have to improve the administration of the fiscal affairs of the City;

(c) Perform such other auditing functions, consistent with other provisions of this Charter, and prepare and submit such other reports, as may be required of him by the Council.

Section 806 Finance Department. A Finance Department is hereby established A Director of Finance shall be the head of such department. The functions of such department and the powers and duties of the Director of Finance shall be as follows.

(a) Regularly, at least once each month, and at the end of each fiscal year, prepare and submit to the City Manager a monthly statement indicating the financial condition of the City;

(b) Except as otherwise provided in Article XII of this Charter, receive or collect all monies or revenues due the City; maintain custody of all public funds and securities belonging to or under the control of the City, and deposit and invest funds in accordance with principles of sound treasury management and in accordance with the applicable laws or ordinances;

(c) Maintain a general accounting system for the City; and supervise and control disbursements and expenditures to assure that unexhausted and unencumbered appropriations exist therefor or that payment has been otherwise legally authorized, and that money is available therefor in the City Treasury with which to make payment;

(d) Verify cash receipts, the distribution of revenues to the appropriate funds, and certify as to the legality and correctness of all bills, invoices, payrolls, demands and charges against the City, and sign warrants or checks in payment of such claims,

(e) Unless and except as may be otherwise provided by the Council, procure materials, supplies and general services for the City, and prepare and maintain a current inventory of all materials and supplies and an inventory of general assets belonging to the City;

(f) Unless and except as may be otherwise provided by the Council, provide general services to other departments of the City as may be determined appropriate:

(g) Perform such other functions, consistent with this Charter as may be required by the Council.

Subject to the direction and supervision of the City Manager, the Director of Finance shall be responsible for the conduct of all of the functions of the Finance Department and, except as otherwise provided elsewhere in this Charter, shall have for such purpose the duties and powers imposed by the general laws of the State of California upon City Treasurers, City Assessors and City Tax Collectors

Section 807. Other Departments The following departments are hereby established: A Police Department, a Fire Department, a Public Works Department, a Parks and Recreation Department, a Personnel Department, a Planning Department, a Health Department, a Building Department, an Airport Department and a Library Department. They each shall have such functions, powers and duties as the Council may from time to time prescribe.

ARTICLE IX
Officers and Employees

Section 900 Enumeration. The officers of the City shall consist of the Mayor, members of the Council, the City Manager, the City Attorney, the City Clerk, the City Auditor, the directors or heads of the various City offices or departments, the members of various boards and commissions and such other officers as may be provided for by this Charter or by action of the Council

Section 901. Appointment and Removal. The City Attorney and City Clerk shall be appointed and may at any time be removed by the affirmative vote of at least four (4) members of the Council. Except as otherwise provided by this Charter, all other officers, department heads and employees of the City, except members of boards and commissions, shall be appointed by the City Manager and, except as otherwise provided elsewhere in this Charter, shall serve at his pleasure

The Council shall appoint, and may at any time remove, an Acting City Attorney, Acting City Clerk and Acting City Auditor to perform the functions and duties of the respective offices in the case of the absence or disability of the City Attorney, City Clerk, or City Auditor.

The City Manager shall appoint a person to act as the head of a department or office, other than the office of City Clerk, City Attorney, and City Auditor, in the case of absence or disability of the head of such department or office.

Section 902. Compensation. The compensation of all City appointive officers and employees, except as otherwise provided in this Charter, shall be fixed by the Council. All officers and employees shall be entitled to be reimbursed for actual and necessary expenses incurred while performing official business of the City when said expenses have been authorized or approved by the proper authority.

Section 903. Oath of Office Each officer of the City, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution of this State and shall file the same with the City Clerk.

Section 904. Administering Oaths. Each department head and his deputies shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Section 905. Official Bonds. The Council shall fix the nature, amount and terms of the official bonds of all officials or employees who are required by the Council to qualify for such bonds; provided, however, that all officers and employees having custody or control of public funds shall be required to be bonded. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

Section 906. Prohibited Interests. The provisions of Article 4, Chapter 1, Division 4, Title 1 of the Government Code of the State of California as the same now exist or may hereafter be amended, relating to prohibitions applicable to specified officers, shall apply in the City.

Section 907. Nepotism. The Council shall not appoint to a salaried position under the City government any person who, at the time of his appointment, is related by blood or marriage, within the second degree, to any member of such Council; nor shall the City Manager or any other appointing authority appoint to any salaried position under City government any person who, at the time of his appointment, is related by blood or marriage, within the second degree, to such appointing authority.

Section 908. Discrimination. Except as otherwise provided by the general laws of this State heretofore or hereafter enacted, no person employed by the City or seeking employment therewith shall be employed, refused employment, promoted, demoted, disciplined or discharged or in any way favored or discriminated against because of political opinion or affiliations, or membership in a lawful employees association, or because of race, color or creed.

ARTICLE X
Boards and Commissions

Section 1000. Planning Commission. There shall be, and there is hereby established, a Planning Commission consisting of five (5) members appointed by the Council for terms of four (4) years Members must be qualified electors of the City at all times during their terms of office. The City Manager, the City Attorney and such other officers as the Council may designate, or their representatives, may meet with the Planning Commission and may participate in its discussions but shall not have a vote.

Those persons who on the effective date of this Charter are members of the City Planning Commission established under the immediately preceding Charter shall be members of this Planning Commission and, subject to other provisions of this Charter, shall hold such offices until the expiration of the terms for which they were appointed, to wit: The two (2) members whose terms under the preceding Charter would expire on June 30, 1966 shall continue in office until June 30,

1966, and the three (3) members whose terms under the preceding Charter would expire on June 30, 1968 shall continue in office until June 30, 1968. At the first meeting of the Council on or after July first of each even-numbered year, beginning in 1966, the Council shall alternately appoint two (2) and three (3) commissioners for four-year terms commencing on July first of such year, to fill the offices of those members whose terms expire on June 30 of such year.

The office of a member shall become vacant upon the happening before the expiration of his term of any of the events set forth in sub-sections (a), (b), (c), (d), (e), (g), (h), (i), (j), (k) and (*l*) of Section 409 of this Charter, or upon such member's absence from five (5) consecutive regular meetings, other than adjourned regular meetings, of the Commission unless excused by resolution of Council. Also, the Council may remove a member from office at any time for misconduct, inefficiency or willful neglect in the performance of the duties of his office providing it first states in writing the reasons for such removal and gives such member an opportunity to be heard before the Council in his own defense. If a vacancy occurs before the expiration of a member's term, the Council shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term of such member.

The Planning Commission shall have the following powers and duties:

(a) Make recommendations to the Council respecting the adoption, amendment, or repeal of master, general, comprehensive, precise or specific plans for the future physical development of the City or any part thereof, and periodically review the same.

(b) Make recommendations to the Council respecting the adoption, amendment or repeal of land use and development regulations, including but not limited to zoning and subdivision regulations;

(c) Make recommendations to the Council respecting the adoption, amendment or repeal of plans or programs for the redevelopment, rehabilitation or renewal of any areas of the City;

(d) Make recommendations to the Council respecting capital improvement programs; and

(e) Exercise such other powers and perform such other functions and duties as may be expressly given to it by other provisions of this Charter, or exercise such other powers or perform such other functions as may be prescribed by the Council not inconsistent with the provisions of this Charter.

Section 1001. Civil Service Commission. There shall be, and there is hereby established, a Civil Service Commission. The following provisions shall be applicable thereto:

(a) Membership. The Civil Service Commission shall consist of five (5) members appointed by the Council for terms of six (6) years Members must be qualified electors of the City at all times during their terms of office; not more than

four (4) shall be of the same sex; and one (1) shall be an attorney-at-law, licensed to practice law in the State of California, who shall have practiced law in said State for at least five (5) years.

(b) Terms of Office. Those persons who on the effective date of this Charter are members of the Civil Service Commission established under the immediately preceding Charter shall be members of this Civil Service Commission and, subject to other provisions of this Charter, shall hold such offices until the expiration of the terms for which they were appointed, to wit: The one (1) member whose term under the preceding Charter would expire at noon on December 1, 1965 shall continue in office until noon, December 1, 1965; the two (2) members whose terms under the preceding Charter would expire at noon on December 1, 1967 shall continue in office until noon, December 1, 1967; and the two (2) members whose terms under the preceding Charter would expire at noon on December 1, 1969 shall continue in office until noon, December 1, 1969. At the first meeting of the Council on or after December first of each odd-numbered year, beginning in 1965, the Council shall alternately appoint one (1), two (2) and two (2) commissioners for six-(6)-year terms commencing at noon of December first of such year, to fill the offices of those members whose terms expire at noon of December 1 of such year.

The person who is appointed to fill the one (1) office of the member whose term expires at noon December 1, 1965, and each person who is thereafter appointed to fill such one (1) office whenever it becomes vacant, regardless of whether it becomes vacant during or at the end of an incumbent's term of office, shall be appointed by the Council from a list of three (3) persons to be nominated in each case by all full-time officers and employees in the Civil Service of the City (other than members of the Council and members of boards and commissions) at elections to be held for such purpose. Only full-time officers and employees shall be eligible to vote at such elections, and no officer or employee shall be permitted to vote for more than one person at any one election. The names of three (3) persons receiving the highest number of votes at any such election shall be referred to the Council, and the Council, without consideration of the number of votes received by each, shall appoint to such office the one of the three whom it believes is best qualified for such office. Said nomination elections shall be conducted by the City Clerk in accordance with an election procedure prepared by the City Clerk and approved by the Council.

(c) Vacancies The office of a member shall become vacant upon the happening before the expiration of his term of any of the events set forth in sub-sections (a), (b), (c), (d), (e), (g), (h), (i), (j), (k), and (*l*) of Section 409 of this Charter, or upon such member's absence from five (5) consecutive regular meetings, other than adjourned regular meetings, of the Commission unless excused by resolution of Council. Also, the Council may remove a member from office at any time for mis-

conduct, inefficiency or willful neglect in the performance of the duties of his office providing it first states in writing the reasons for such removal and gives such member an opportunity to be heard before the Council in his own defense. If a vacancy occurs before the expiration of a member's term, the Council shall appoint a qualified person to fill such vacancy for the remainder of the unexpired term of such member.

(d) Oath and Declaration. The members of the Civil Service Commission, in addition to the oath of office required by law, shall make under oath and file in the office of the City Clerk the following declaration: "I am opposed to appointment to public service as a reward for political activity and will execute and perform the powers and duties of the office of Civil Service Commissioner in the spirit of this declaration."

(e) Secretary. The Council shall provide the Commission with a secretary satisfactory to the Commission; provided, however, that the head of any personnel department of the City shall not hold any secretarial, executive or administrative position under the direct jurisdiction of the Civil Service Commission.

(f) Powers and Duties. The Civil Service Commission shall have the following powers and duties:

(1) To recommend to the Council the adoption, amendment or repeal of Civil Service Rules relating to the matters specified in Section 1102 of Article XI of this Charter;

(2) To make any investigation which it may consider desirable concerning the administration of personnel in the Classified Service;

(3) To make recommendations to the Council, the City Manager or to any other appointive power on matters relating to the administration of personnel in the Classified Service;

(4) To exercise and perform such other powers and duties as are expressly given to it by other provisions of this Charter; and to exercise such other powers and perform such other functions and duties as may be prescribed by the Council not inconsistent with the provisions of this Charter.

Section 1002. Other Boards and Commissions. In addition to those specific boards and commissions which are established by other provisions of this Article, the Council may create such other boards and commissions as in its judgment are required, and may grant them such functions, powers and duties as are consistent with the provisions of this Charter. In addition, the Council may create such temporary committees as it may deem advisable to render counsel and advice to the Council, the City Manager or any board or commission on any specified matter within the jurisdiction of such authorities. All boards, commissions and committees created by the Council shall be subject to such direction and supervision, if any, as the Council may specify, and the members thereof shall be appointed by the Council, or by the Mayor if such is authorized by the Council, for such terms as the Council may deem advisable.

Section 1003. Reimbursement for Expenses. Members of boards, commissions and committees shall receive reimbursement, if and to the extent such is authorized by the Council, for expenses incurred in the performance of their duties or functions of office.

ARTICLE XI
Civil Service System

Section 1100. Merit Principle. All appointments and promotions to positions in the Classified Service shall be made on the basis of merit and fitness, demonstrated by examination and other evidence of competence, in accordance with Civil Service Rules adopted in the manner provided in this Charter.

Section 1101 Classified and Unclassified Service. The Civil Service of the City shall be divided into the Classified Service and the Unclassified Service, as follows:

(a) The Unclassified Service shall comprise and include all of the following officers and employees:

(1) The Mayor and the members of the Council;

(2) All members of boards and commissions, and, if so desired by the Civil Service Commission, the Secretary of the Civil Service Commission;

(3) The City Manager and all his assistants, deputies and secretaries, the City Attorney and one assistant; the City Clerk and one assistant; the City Auditor and one assistant; the head of each department and one assistant in each department;

(4) Persons temporarily employed to make or conduct a special inquiry, investigation, examination or installation, or to render professional, scientific or technical services of an occasional or exceptional character; provided that no person employed in the Unclassified Service pursuant to this subsection for any such purpose shall continue in such employment pursuant to this sub-section for a period in excess of six (6) months for each special inquiry, investigation, examination, installation or particular service unless an extension is approved by the Civil Service Commission;

(5) Persons employed in the event of an emergency to perform services required because of and during such emergency for a period of time not to exceed six (6) months unless an extension is approved by the Civil Service Commission;

(6) Persons employed to temporarily fill positions in the classified service when no eligible lists of applicants for such positions exist, until such time as eligible lists are created and persons can be hired therefrom to fill such positions;

(7) Volunteer members of the police, fire or civil defense departments or of any police, fire or civil defense force or organization.

(b) The Classified Service shall consist of all persons employed in positions in the City Civil Service which are not in the Unclassified Service;

(c) Nothing herein shall be construed as precluding the appointing authority from filling any position in the manner in which positions in the Classified Service are filled.

Section 1102. Civil Service Rules; Contents. The Council shall adopt Civil Service Rules for the Classified Service relating to the following matters: Creation of positions; applications for employment; examinations; eligibility and qualifications; duration of eligible lists; certification of eligible lists; appointments; promotions; demotions; transfers; resignations; layoffs; temporary reductions due to retrenchment or completion of work; performance ratings; factors and weights to be considered in efficiency rating; filling of positions; classification of positions; specifications for positions; separation from service; dismissals; suspensions; disciplinary action; such other things, consistent with this Charter, as the Council may deem proper and necessary.

Section 1103. Civil Service Rules; Manner of Adoption. Civil Service Rules for the Classified Service shall be adopted, and may from time to time be repealed or amended, by ordinance of the Council Upon adoption, Civil Service Rules shall have the force and effect of law.

The Council may adopt, repeal or amend any Civil Service Rule for the Classified Service, provided it first receives from the Civil Service Commission a report or recommendation with respect to the proposed new Rule, if a new Rule is proposed to be adopted, or with respect to the proposed repeal or amendment of an existing Rule if an existing Rule is proposed to be repealed or amended; provided, however, that if the Civil Service Commission refuses or fails to submit to the Council a report or recommendation on any proposed new Rule, or proposed repeal or amendment of any existing Rule, within ninety (90) days from and after the date the Council requests such a report or recommendation, the Council may adopt such new Rule or repeal or amend such existing Rule, without first receiving a report or recommendation thereon from the Civil Service Commission.

Section 1104. Suspension, Demotion and Dismissal. No officer or employee of the City holding a regular position in the Classified Service, other than persons holding such positions by virtue of emergency or provisional appointments, may be suspended without pay, demoted or dismissed from his position in the Classified Service after satisfactorily serving his probationary period of service in such position, except for cause, such as, but not limited to, malfeasance, misconduct, incompetence, insubordination, inefficiency or for failure to satisfactorily perform the duties of his position, to observe applicable rules and regulations or to cooperate reasonably with his superior or fellow officers or employees.

Any such officer or employee, excepting persons holding such positions by virtue of emergency or provisional appointments, who is suspended without pay, demoted or dismissed from his position in the Classified Service after satisfactorily com-

pleting his probationary period of service shall be given, in the manner and within the time specified in the Civil Service Rules, not to exceed seventy-two (72) hours from and after the time of such suspension, demotion or dismissal, a written notice of his suspension, demotion or dismissal. Within the term specified in the Civil Service Rules, not to exceed thirty (30) days from and after date said notice is given to him, said officer or employee may file with the appointing authority a written request that he be given the specific reason or reasons for his suspension, demotion or dismissal. In the manner and within the time specified in the Civil Service Rules, not to exceed three (3) days from and after date of filing of said request, the appointing authority shall give to said officer or employee a written statement of the specific reason or reasons for his suspension, demotion or dismissal. Within the time specified in the Civil Service Rules, not to exceed thirty (30) days from and after the date he is given said written statement, said officer or employee may appeal to the Civil Service Commission for a review of said suspension, demotion or dismissal by filing a written notice of appeal with the Secretary of said Commission. Such notice of appeal shall contain such answer as such officer or employee may have to the charges made against him. The Secretary of said Commission shall immediately transmit a copy of said notice of appeal, containing said answer, to the appointing authority. Within thirty (30) days from and after date of filing of the notice of appeal, or at such later time as may be agreed to by said officer or employee and the Civil Service Commission, the Commission shall hold a public hearing at which it shall review the action of suspension, demotion or dismissal. At such public hearing both the appealing officer or employee and the authority whose action is being reviewed, or their respective representatives, shall have the right to be heard publicly and to present evidence. Such hearing shall be held in accordance with procedures established therefor.

If, after such hearing, the Civil Service Commission concludes that the suspension, demotion or dismissal was without cause, it shall order reinstatement without loss of pay, and such order shall be binding upon the appointing authority who shall forthwith comply with the same. In the event that the Civil Service Commission, after such hearing, concludes that there was cause for disciplinary action but that the type of penalty was not warranted under the circumstances, it may, in its discretion, order reinstatement with loss or partial loss of pay and such order shall be binding upon the appointing authority who shall forthwith comply with the same. In the event the Civil Service Commission concludes that the officer or employee is unqualified for or unable for other reasons to satisfactorily perform the duties of his office or position, but is qualified for and can perform the duties and functions of a lower position, it may, in its discretion, order demotion and employment of such officer or employee to and in a lower

class of position or employment or may order that such person's name be placed on an eligible list for employment in a lower class of position or employment if and when a vacancy occurs therein, and such order shall be binding upon the appointing authority who shall comply with the same. If, after such hearing, the Civil Service Commission concludes that such suspension, demotion or dismissal was for adequate cause and that the action taken by the appointing authority was warranted, it shall affirm the action of the appointing authority.

All decisions of the Civil Service Commission made in connection with the above matters shall be in writing, and copies thereof shall be transmitted as soon as reasonably possible to both the appointing authority and the appealing officer or employee. Subject to such reasonable limitations and restrictions as may be set forth in the Civil Service Rules, the Civil Service Commission may grant a rehearing if good cause is shown therefor.

Section 1105. Appointments from Classified Service to Unclassified Service. In the event an officer or employee of the City who heretofore held or now holds a position in the Classified Service was thereafter or is hereafter appointed to a position in the Unclassified Service, and should subsequently be removed or resign from the Unclassified Service, he shall have the right, if he has not been guilty of infamous, disgraceful or dishonest conduct, to be employed forthwith in a position consonant with his former classification in the Classified Service without loss of any rights or privileges and upon the same terms and conditions as if he had remained in said classification.

Section 1106. Employees of Consolidated Cities. All officers and employees of any city heretofore or hereafter consolidated with the City of San Jose, when such officers or employees would be included in the Classified Service, shall from the effective date of such consolidation or consolidations, be deemed to have their names upon eligible lists for respective types of positions held by them, and to be qualified for appointment to such respective positions.

Section 1107. Employees of Annexed Agencies. In the event of the annexation of all or a portion of the area of any governmental agency to the City, it shall be discretionary with the Council as to whether all or any of the officers or employees of such agency shall be entitled to have their names placed upon eligible lists for respective types of positions held by them and to be qualified for appointment to such respective positions.

Section 1108. Mandatory Separation from Service. Any person who holds any position in the Civil Service of the City, excepting members of the Police and Fire Departments who are also members of any Police and/or Fire Department retirement plan or system of the City, and excepting members of the Council, members of boards or commissions and persons holding elective offices, must be separated from any position in

the Civil Service upon his attaining the age of seventy (70) years, such separation to be effective no later than the last day of the calendar month within which he attains such age.

Any member of the Police or Fire Department of the City who is also a member of any Police and/or Fire Department retirement plan or system of the City must be separated from any position in the Police or Fire Department of the City upon his attaining the age of sixty-five (65) years, such separation to be effective no later than the last day of the calendar month within which he attains such age.

Subject to the provisions of other sections of this Charter, the Council may at any time provide for mandatory separation of officers or employees, other than persons holding elective offices, from specified positions in the Civil Service at an earlier age if and when the Council deems such to be for the good of the Civil Service.

Section 1109. Exclusions and Exceptions. The provisions of this Article shall not be deemed to apply to, nor in any way limit the Council in, the Council's exercise of any of the powers granted to it by the provisions of sub-section (b) of Section 800, or by the provisions of Section 803, of the Charter. All transfers or consolidations of functions, and all contracts, resulting from the exercise by the Council of such powers shall be deemed exempt from the Civil Service provisions of this Charter, and all persons employed or whose services are contracted for, pursuant to any such transfer, consolidation or contract shall be deemed, for Civil Service purposes, to be independent contractors and not officers or employees within the Civil Service of the City, regardless of the extent, if any, of any supervision or control which may be exercised over such persons or their activities by any officer or employee of the City. Also, the Council may at any time, or from time to time, authorize or direct the execution of contracts between the City and any public or private body, entity, firm, organization, association or person, for the conduct or making of any special study, inquiry, investigation or examination, or for the preparing or doing of any special or particular services or work, for or on behalf of the City or any office, department or agency thereof, unless such is prohibited by the provisions of any other Article of this Charter, without complying with the provisions of this Article; and all persons with whom such contracts are made shall be deemed, for Civil Service purposes, to be independent contractors and not officers or employees within the Civil Service of the City, regardless of the extent, if any, of any supervision or control which may be exercised over such persons or their activities by any officer or employee of the City. In addition, the appointment by the Council of any person to any office, pursuant to authority granted to the Council by this Charter, shall not be subject to the Civil Service provisions of this Charter.

Section 1110. Exceptions: War or National Emergency. Notwithstanding any other provisions of this Charter to the

contrary, in time of war or national emergency the Council may provide for the emergency employment of any person to fill any office or position in the City. Such person shall not be subject to the requirements, regulations and qualifications of the personnel, merit or civil service system adopted by the City. An emergency appointee shall not acquire civil service or other permanent status because of the emergency appointment. The Council may, however, provide that an emergency appointee selected from an eligible list who is otherwise eligible for permanent appointment may acquire such rights as are expressly provided for under Civil Service Rules.

ARTICLE XII
Fiscal Administration

Section 1200. Fiscal Year. Unless otherwise provided by ordinance, the fiscal year of the City shall begin on the first day of July of each year and end on the 30th day of June of the following year.

Section 1201. Use of County Tax System. Unless otherwise provided by or pursuant to ordinance adopted or approved by the qualified electors of the City, the Council shall continue to use for the purpose of municipal ad valorem property taxation the Santa Clara County system of property assessment and property tax collection as said system is now provided by law or may hereafter be amended and insofar as such provision is not in conflict with this Charter.

Should there arise any reason whatsoever that prevents the City from using said County system for said purpose or if the use of the County system should be discontinued by or pursuant to ordinance adopted or approved by the qualified electors of the City, the Council shall provide a system for the assessment of property and the collection of property taxes in the City.

Section 1202. Submission of Capital Improvement Program; Contents. After the commencement of each fiscal year, but prior to the one hundred fiftieth (150th) day immediately preceding the end of such fiscal year, the City Manager shall prepare and shall submit to the Council a capital improvement program for the five (5) fiscal years immediately following the fiscal year within which such program is submitted to the Council. On or before the day that he submits such program to the Council, the City Manager shall also file a copy of the program with the Planning Commission of the City. Such capital program shall include:

(a) A clear summary of its contents;

(b) A list of all capital improvements which are proposed to be undertaken during the five fiscal years immediately following the ensuing fiscal year with appropriate supporting information as to the necessity of such improvements;

(c) Cost estimates, method of financing and recommended time schedules for each such improvement; and

(d) Such other information as the City Manager may deem desirable.

Section 1203. Action on Capital Program. Upon receipt of the copy of the capital improvement program prepared by the City Manager, the Planning Commission shall consider the program and, within ninety (90) days from and after the date a copy of such program was filed with the Commission, shall submit to the Council a written report setting forth its findings and recommendations respecting such program. The Planning Commission, in its report may recommend such additions, deletions or other amendments as it deems desirable. If it should recommend any capital improvements different from or additional to those proposed by the City Manager, it shall set forth, in its report, the estimated cost thereof and the manner in which it proposes that the same shall be financed.

Upon receipt of said report from the Planning Commission, or upon expiration of said ninety (90) days if said Commission should fail to submit its report within said time, the Council shall fix a time and place for a public hearing on the capital program as submitted by the City Manager and upon such amendments or changes, if any, as shall have been submitted as aforesaid by the Planning Commission within said ninety (90) days. The Council shall cause a notice of such public hearing to be published not less than ten (10) days prior to said hearing by at least one insertion in a newspaper of general circulation in the City Copies of the capital program as submitted by the City Manager, and copies of such report as may have been submitted by the Commission, shall be filed and available for inspection by the public in the office of the City Clerk for at least ten (10) days prior to said public hearing. The notice of such public hearing shall state the time and place of hearing and the times and place when and where copies of the capital program as submitted by the City Manager and the report of the Planning Commission will be available for inspection by the public. At the time and place so advertised or at any time or place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the capital program as submitted by the City Manager, and on the written report of the Planning Commission, at which interested persons desiring to be heard shall be given reasonable opportunity to be heard.

Upon conclusion of such hearing, the Council shall adopt such a capital program, for the five (5) fiscal years covered by the City Manager's proposed capital program with such amendments as it may deem desirable. Upon its adoption and until adoption of a new budget and a new five-(5)-year capital program, such capital program, as adopted by the Council, shall serve as a general guide to the Council and to the City administration in the planning and scheduling of capital improvements From time to time, however, the Council may authorize such departures therefrom as it may deem necessary or desirable

Section 1204. Submission of Budget and Budget Message. At least thirty (30) days prior to the beginning of each fiscal year or at such earlier time prior to the beginning of each fiscal year that the Council may specify, the City Manager shall submit to the Council each of the following:

(a) A budget for the ensuing fiscal year;

(b) An accompanying message.

Section 1205 Budget, Contents. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Council may require or, in the absence of Council requirements, in such form as the City Manager deems desirable. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, including the amount proposed to be raised by property taxation, estimated unencumbered balances of funds to be carried over from the preceding year, estimated unencumbered available reserves, and all proposed expenditures, including debt service, for the ensuing year. The total of proposed expenditures shall not exceed the total of estimated income, estimated unencumbered balances of funds to be carried over from the preceding year and unencumbered available reserves.

Section 1206. Council Action on Budget. Upon receipt of the proposed budget from the City Manager, the Council shall proceed to consider the same and may make such revisions and changes as it may deem advisable; but it shall not adopt such budget, either as proposed by the Manager or as revised or changed by the Council, until after it shall have held a public hearing in accordance with the following provisions of this Section.

The Council shall fix a time and place for a public hearing on the budget, and shall cause a notice of such public hearing to be published not less than ten (10) days prior to said hearing by at least one insertion in a newspaper of general circulation within the City. Copies of the proposed budget as submitted by the City Manager shall be filed and available for inspection by the public in the office of the City Clerk for at least ten (10) days prior to said hearing. Statements, or copies, of such revisions or changes as the Council shall have made in the proposed budget prior to said public hearing shall be available for public inspection at the public hearing. The notice of said public hearing shall state the time and place of public hearing and the times and place where copies of the budget as submitted by the City Manager will be available for public inspection, and shall further state that statements, or copies, of such revisions or changes as the Council shall have made in the proposed budget before the public hearing will be available for public inspection at the time and place of said public hearing.

At the time and place advertised for said public hearing or at any time or place to which said public hearing shall from

time to time be adjourned, the Council shall hold a public hearing on the proposed budget, and upon such revisions or changes as may have been made by the Council, at which interested persons desiring to be heard shall be given reasonable opportunity to be heard. Upon conclusion of such public hearing, the Council may adopt the proposed budget with such amendments, if any, as it may deem desirable. Such amendments may add or increase programs or amounts or may delete or decrease any programs or amounts except expenditures required by law or for debt service, provided that no amendment to the budget shall increase proposed expenditures to an amount greater than the total estimated income plus unencumbered available reserves and estimated unencumbered balances of funds carried over from the preceding fiscal year.

Section 1207. Appropriations. After adoption of the budget and on or prior to the beginning of the budget year, the Council, by ordinance, shall appropriate monies for the operation of each of the offices, departments and agencies of the City during the budget year and for other purposes or objects named in the budget. Appropriations may be made for various classes or categories of expenditures, if the Council deems such to be desirable, without separately appropriating specific amounts of money for each of the items of expenditure within any class or category. Each department, officer or agency to or for which an appropriation has thus been made shall be deemed authorized to use the money so appropriated, subject to the supervision and direction of the City Manager and subject to such other restrictions as are elsewhere set forth in this Charter or are imposed by the Council, for the classes or categories of expenditures specified in the appropriation ordinance, provided its expenditures are within the bounds of the appropriation. Appropriations for bond interest, bond redemption, fixed charges and other classes or categories of expenditures not appropriated to a specific department, office or agency shall be subject to the administration of and expenditure by the City Manager for the respective classes or categories of expenditures for which such appropriations are made.

Appropriation ordinances adopted pursuant to the provisions of this Section need not be first passed for publication, nor be published, and shall be effective immediately upon adoption.

In the event the Council should fail to adopt such ordinance within the prescribed time, the several amounts proposed as expenditures in the budget adopted by the Council, or if the Council has not yet adopted a budget, the several amounts proposed as expenditures in the budget as prepared and submitted by the City Manager to the Council, for the classes or categories of expenditures therein mentioned, so far as they relate to operation and maintenance expenditures, shall be deemed appropriated for such classes or categories of expen-

ditures until the Council adopts said appropriation ordinance for the current budget year.

Section 1208. Appropriations; Changes. Appropriations may be amended, revised or supplemented as follows:

(a) Supplemental Appropriations. If during the budget year the City Manager certifies or the Council finds that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of sub-section (e) of Section 605 of this Charter.

(c) Reduction of Appropriations. If at any time during the budget year it appears probable to the City Manager that the revenues available will be insufficient to meet the amounts appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance or resolution reduce one or more appropriations

Also, at any time during the budget year, the Council may repeal or reduce, for any other reason, by ordinance or resolution, any appropriation theretofore made; and, at any time during the budget year, may reappropriate by ordinance all or part of the amount of such reduction for the same or any other class or category of expenditure.

(d) Transfer of Appropriations by Council. At any time during the budget year, the Council may, by ordinance or resolution, transfer part or all of any unencumbered balance of any appropriation from any department, office or agency to another or from any class or category of expenditure to another class or category of expenditure.

Ordinances or resolutions adopted by the Council pursuant to the provisions of this Section shall be effective immediately upon adoption

Section 1209. Lapse of Appropriations. Except as otherwise provided elsewhere in this Charter, every appropriation shall lapse at the close of the fiscal year to the extent that they shall not have been expended or encumbered.

Section 1210. Control of Expenditures by City Manager. The several items of expenditure appropriated each fiscal year being based on estimated receipts, income or revenues which may not be fully realized, it shall be incumbent upon the City Manager to establish a schedule of allotments, monthly or quarterly or as he may otherwise determine, under which the sums appropriated to the several departments,

offices and agencies shall be expended. The City Manager shall revise revenue estimates from time to time, and may revise allotments at any time.

No officer, department or agency of the City, during any budget year, shall expend or incur any obligation to expend money for any class or category of expenditure not authorized by or in excess of the amounts appropriated by the Council, or in excess of any allotments made by the City Manager.

Section 1211. Funds; General Fund All monies paid into the City Treasury shall be credited to and kept in separate funds in accordance with provisions of this Charter or ordinance. A fund, to be known as the "General Fund," is hereby created as a medium of control and accounting for all City activities excepting activities for which special funds are established and maintained All revenues and receipts which are not required by this Charter, State law or ordinances to be placed in special funds shall be credited to the General Fund.

Section 1212. Cash Reserve Fund. A revolving fund, to be known as the "Cash Reserve Fund," is hereby created for the payment of any authorized expenditures of the City for any fiscal year in anticipation of and before the collection of taxes and other revenues of the City for such fiscal year, and for the payment of authorized expenses of the City for any fiscal year which became due and payable and must be paid prior to the receipt of tax payments and other revenues for such fiscal year. A reserve shall be built up in said fund from any available sources other than restricted sources in an amount which the Council deems sufficient for said purposes. If necessary, money may be borrowed on tax anticipation notes, subject and pursuant to State law, for the purpose of establishing and maintaining said funds until monies from other available sources are adequate for such purpose. Transfers may be made by the Council from such fund to any other fund or funds of such sum or sums of money that may be required to place or keep such other fund or funds on a cash basis. All monies so transferred from the Cash Reserve Fund to any other fund or funds shall be returned to the Cash Reserve Fund before the end of the fiscal year. The balance in said fund at the end of any fiscal year shall be carried forward in said fund; provided, however, that, to the extent that the amount of money in such fund should exceed such amount as the Council deems desirable for purposes of such fund, the Council may transfer such excess to any other fund or funds for any other purpose or purposes.

Section 1213. Emergency Reserve Fund. A fund, to be known as the "Emergency Reserve Fund," is hereby created for the purpose of meeting any public emergency involving or threatening the lives, property or welfare of the people of the City or property of the City. A reserve shall be built up in said fund from any available sources, other than restricted sources, in an amount which the Council deems desirable.

Except as otherwise hereinafter provided, money in said fund shall be expended pursuant to appropriations made therefrom by ordinance.

In case of a public emergency involving or threatening the lives, property or welfare of the people of the City or the property of the City, the City Manager shall have the power, until the next meeting of the Council, subject to the availability of funds therefor and, subject to such conditions, restrictions and limitations as the Council may impose, to summon, organize and direct the forces of any department of the City in any needed service, to summon, marshal, deputize or otherwise employ other persons, or to do whatever else he may deem necessary for the purpose of meeting the emergency; and for such purpose, to the extent that other monies have not been appropriated or are otherwise unavailable therefor, he may expend any unencumbered monies in the Emergency Reserve Fund notwithstanding the fact that such monies may not have been appropriated for such purpose. At the first meeting of the Council following any such action, the City Manager shall present to the Council a full report of what he has done to meet the emergency.

Section 1214. Other Funds. The Council may provide, by ordinance, for the establishment and maintenance of other special funds.

Section 1215. Independent Audit. The Council shall employ at the beginning of each fiscal year a certified public accountant who shall audit the municipal books, records, accounts and fiscal procedures of all officers and employees of the City who receive, administer or disburse public funds on behalf of the City, and such other officers, employees, departments and agencies as the Council may direct. The Council may order a special audit of any particular department or division of the City government at any time. Such accountant shall at all times abide by the current and most accepted standards of municipal accounting. As soon as practicable after completion of a special audit, if such an audit should be ordered by the Council, said independent accountant shall submit a special report to the Council setting forth his findings and recommendations with respect to the matters covered by such special audit. Also, as soon as practicable at the end of the fiscal year, a final report shall be submitted by such independent accountant to the Council setting forth his findings and recommendations respecting the records, accounts and fiscal procedures covered by his general audit. Three (3) copies of each report shall be placed on file in the office of the City Clerk where they shall be available for public inspection.

Section 1216. Bonded Debt Limit. The City shall not incur any indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation of all the real and personal property within the City.

Section 1217. Bid Requirements. Except as hereinafter otherwise provided, each purchase of supplies and materials the expenditure for which exceeds One Thousand Dollars ($1,000), each purchase of equipment the expenditure for which exceeds Two Thousand Dollars ($2,000) and each specific "public works project," hereinafter defined, the expenditure for which (excluding the cost of any materials which the City may have already lawfully acquired therefor) exceeds the amount which a general law City of the State of California may legally expend for a public project (as defined by State law) without a contract let to a lowest responsible bidder after notice, shall be contracted for and let to the lowest responsible bidder after notice; provided, however, that in no event shall the above apply to any specific "public works project" the expenditure for which (excluding the cost of any materials which the City may have already lawfully acquired therefor) does not exceed Two Thousand Five Hundred Dollars ($2,500).

The notice inviting bids shall set a date for the opening of bids, and shall be published at least once, at least ten (10) days before the date set for opening of bids, in a newspaper of general circulation in the City. All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's security: (a) cash, (b) cashier's check made payable to the City, (c) certified check made payable to the City, or (d) bidder's bond executed by a corporate surety insurer authorized to engage in such business in California, made payable to City. The security shall be not less than ten percent (10%) of the aggregate amount bid; however, the Council may require a larger amount by specifying such larger amount in the notice inviting bids or in the specifications referred to therein. If the successful bidder fails to execute the contract within the time specified in the notice inviting bids or in the specifications referred to therein, the amount of the security may be declared forfeited to the City and may be collected and paid into its General Fund and all bonds so forfeited may be prosecuted and the amount thereof collected and paid into such fund. All bids shall be publicly opened, and the aggregate bid of each bidder declared, at a time and place specified in the notice inviting bids. The Council shall have the right to waive any informalities or minor irregularities in bids or bidding.

In its discretion, the Council may reject any or all bids presented. If it rejects all bids, the Council may, in its discretion, readvertise. If two or more bids are the same and the lowest, the Council may accept the one it chooses. If no bids are received, the Council may readvertise, or may acquire the materials, supplies or equipment for which no bids are received, or have the "public works project" for which no bids are received done, without further complying with this Section. If, after rejecting all bids for any supplies, materials or equipment, the Council finds and declares that the bids were

excessive, it may have such supplies, materials or equipment purchased at a lower price without further complying with this Section. If, after rejecting all bids for any "public works project" and after readvertising for bids, the Council finds and declares that the bids were excessive, it may have such "public works project" done by City employees without further complying with this Section.

For purposes of this Section, "public works project" shall be deemed to mean and is hereby defined as a project for the construction, erection, improvement or demolition of any public building, street, bridge, drain, ditch, canal, dam, tunnel, sewer, water system, fire alarm system, electrical traffic control system, street lighting system, parking lot, park or playground; provided and excepting that "public works project" shall not be deemed to mean or include the maintenance of any of said things, or any repairs incidental to such maintenance, or the planting, care or maintenance of trees, shrubbery or flowers. Also, the provisions of this Section shall not apply to any of the following: (a) the purchase or acquisition of any supplies, materials or equipment from any public or governmental body or agency or from any public utility which is either publicly owned or is regulated by the Public Utilities Commission of the State of California; (b) the purchase of any supplies, materials or equipment which can be obtained from only one vendor or manufacturer; (c) any public work done for the City by any public or governmental body or agency; (d) any public work done by any public utility which is either publicly owned or is registered by the Public Utilities Commission of the State of California where such work involves any property of such public utility or is otherwise of direct concern to both the City and such public utility; (e) any public work done by a subdivider, developer or owner of real property in connection with the subdivision or development by him of any real property, notwithstanding the fact that such may be subject to entire or partial reimbursement from the City; (f) work involving highly technical or professional skill where the peculiar technical or professional skill or ability of the person selected to do such work is an important factor in his selection; (g) expenditures deemed by the Council to be of urgent necessity for the preservation of life, health or property, provided the same are authorized by resolution of the Council adopted by the affirmative vote of at least five (5) members of the Council and containing a declaration of the facts constituting the urgency; and (h) situations where solicitation of bids would for any reason be an idle act.

Section 1218. Claims Against City. Except as otherwise required by the provisions of State law applicable to chartered cities, claims against the City shall be presented and audited as prescribed by ordinance.

Section 1219. Property Tax Limit. Except as otherwise provided in this Section, the Council shall not levy an ad valorem property tax for any fiscal year in excess of One and

40/100 Dollars ($1.40) on each One Hundred Dollars ($100) of assessed value of taxable property in the City unless authorized by the affirmative votes of a majority of the electors voting on a proposition to increase such levy at any election at which the question of such additional levy is submitted to the electors of the City. The number of years that such additional levy is to be made shall be specified in any such proposition. Notwithstanding the foregoing provisions of this Section, there shall be levied and collected at the same time and in the same manner as other ad valorem property taxes of the City are levied and collected, as additional taxes not subject to the foregoing tax limit, if no other provision for the payment thereof is made, a tax sufficient to meet all obligations of the City for principal and interest on all bonds or judgments due and unpaid or to become due during the fiscal year which constitute general obligations of the City.

Section 1220. Revenue Bonds for Off-Street Parking or Airport Facilities. The Council shall have power to issue revenue bonds to finance the acquisition, construction, establishment, expansion, improvement, maintenance, operation and administration of off-street vehicular parking facilities within the City (hereinafter in this section referred to as "the project"). The Council shall also have the power to issue revenue bonds to finance the acquisition, construction, establishment, expansion, improvement, maintenance, operation and administration of municipal airport facilities (hereinafter in this Section also referred to as "the project"). Such revenue bonds may be issued in such manner and upon such terms and conditions as may be fixed and established by ordinance of the Council. In the alternative, the Council may issue such revenue bonds under the general laws of the State of California applicable thereto, provided that no election shall be required for the issuance of such revenue bonds. The authorization granted to the Council by this section to issue revenue bonds for any of said purposes is complete, and no additional authorization shall be required for their issuance. Neither such revenue bonds nor the interest accruing thereon shall constitute indebtedness of the City, nor shall be taken into consideration in determining the limit of general obligation bonded indebtedness of the City. Such revenue bonds, the interest accruing thereon and any reserve, sinking fund or special fund created to secure the payment of such bonds shall be a charge solely upon the revenues, or upon such portion thereof as may be fixed by the Council, of the project on account of which such bonds were issued. Such revenue bonds shall not be a charge, lien or encumbrance, legal or equitable, on any funds or property of the City, other than the revenues of the project on account of which they were issued, excepting that on-street parking meter revenues may be pledged as additional security for the payment of revenue bonds issued for any automotive parking facilities pursuant to the Constitution of this State. Neither the credit nor the taxing power of the City shall be

deemed to be pledged to or charged with the payment of the principal or interest of any such revenue bonds, nor shall the holders of such revenue bonds have any right to compel the exercise of the taxing power of the City or the forfeiture of any of its properties. The provisions herein contained for the issuance of revenue bonds shall constitute an alternative method of financing said municipal projects.

Nothing contained in this Charter shall preclude the issuance of general obligation bonds of the City for all or any of the above mentioned purposes pursuant to proceedings taken therefor in accordance with the Constitution and General Laws of the State.

Section 1221. Revenue Bonds for Public Utilities. No revenue bonds shall be issued by the City for the purpose of supplying its inhabitants, or any portion thereof, with water, light, heat, power, railroad or motor vehicle transportation service (other than airport service), or telephone, telegraph or wireless communication service unless authorized by the affirmative vote of a majority of the electors voting on such a proposition in each case.

Nothing herein contained, however, shall be deemed to apply to any of the facilities mentioned in Section 1220. Also, nothing herein contained shall be deemed to deprive the City or its Council of any power which it may have under other Sections of this Charter or under the laws of the State to reimburse, or agree to reimburse, in whole or in part, from any special fund or special revenues, without the affirmative vote of any electors, any subdivider, developer or owner of any real property for any public improvements constructed, installed or furnished by any such person, or for any property dedicated or conveyed to the City by any such person, for or in connection with the subdivision, development or improvement of any real property of any such person.

Also, nothing herein contained shall preclude the issuance of general obligation bonds of the City for any purpose pursuant to proceedings taken therefor in accordance with the Constitution and general laws of the State.

Section 1222. Revenue Bonds for Other Purposes. Revenue bonds may be issued by the City for any purposes other than those specified in Sections 1220 and and 1221 only under and pursuant to the laws of the State of California.

Nothing herein contained, however, shall be deemed to deprive the City or its Council of any power which it may have under other Sections of this Charter or under the laws of the State to reimburse, or agree to reimburse, in whole or in part, from any special fund or special revenues, without the affirmative vote of any electors, any subdivider, developer or owner of any real property for any public improvements constructed, installed or furnished by any such person, or for any property dedicated or conveyed to the City by any such person, for or in connection with the subdivision, development or improvement of any real property of any such person.

Also, nothing herein contained shall preclude the issuance of general obligation bonds of the City for any purpose pursuant to proceedings taken therefor in accordance with the Constitution and general laws of the State.

ARTICLE XIII
Franchises

Section 1300. Power to Require Franchises. Any person, firm or corporation furnishing or proposing to furnish the City or its inhabitants, or any portion thereof, with water, light, heat, gas, electricity, power, transportation, telephone, telegraph, communication, refrigeration, storage, or any other public utility or service, or traversing or proposing to traverse any part of the City for the transmitting or conveying of any such utility or service elsewhere, or using or proposing to use any public street, way, alley or place in the City for any of such purposes or for the operation of any plants, works or equipment for the furnishing thereof, or exercising or proposing to exercise any public utility franchise right or privilege in the City, may be required by ordinance to have a valid and existing franchise from the City therefor, excepting insofar as the City is prohibited by the Constitution or other applicable laws of the State of California or of the United States of America from requiring such franchise.

Section 1301. Authority to Grant Franchises. The Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to furnish the City and its inhabitants, or any portion thereof, with any of the public utilities or services, or to do any of the things, mentioned in Section 1300 of this Charter.

Section 1302. Franchise Terms, Conditions and Procedures. Subject to the provisions of this Charter, the Council may grant a franchise pursuant to a procedure prescribed by ordinance or pursuant to a procedure provided by State law. Any ordinance which prescribes a franchise-granting procedure different from that provided by State law shall make reasonable provision for a public hearing, after public notice, on any requested or proposed grant of a franchise. The Council may grant a franchise without calling for bids or may, in its discretion, advertise for bids for sale of a franchise upon such basis, not in conflict with the terms of this Article, as in its judgment is in the public interest. The Council may prescribe, in any procedural ordinance adopted pursuant to this Section, the terms and conditions under which any franchise or franchises will be granted.

The Council, in granting any franchise, shall prescribe the terms and conditions of such franchise in accordance with the applicable provisions of this Charter and any ordinance adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in con-

flict with said Charter or ordinances, whether governmental or contractual in character, as in the judgment of the Council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

Section 1303. Term of Franchise. Every franchise shall be for either a fixed term or for an indeterminate period. If for a fixed term, the franchise shall state the term for which it is granted; if indeterminate, it shall set forth the terms and conditions under which it may be terminated.

Section 1304. Purchase or Condemnation by City. No franchise grant shall in any way or to any extent impair or affect the right of the City now or hereafter conferred upon it by law to acquire property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge either for a term or in perpetuity the City's right of eminent domain with respect to any public utility.

Section 1305. Exercising Right Without Franchise. The exercise by any person, firm or corporation of any privilege for which a franchise is required without procuring such franchise shall be a misdemeanor and each day that such continues shall constitute a separate violation.

Section 1306. Article Not Applicable to City. Nothing in this Article shall be construed to apply to the City, or any department thereof, when furnishing any public utility or service.

Section 1307. Preservation of Rights. Nothing contained in this Article shall be construed to affect or impair any rights, powers or privileges vested in, possessed by or available to the City by virtue of previous Charter provisions relating to franchises.

Article XIV
School System

Section 1400. Effect of Charter. The organization, government and administration of the public school system in the City of San Jose shall not be affected by the adoption of this Charter, but shall continue in existence as is now or hereafter prescribed by the Education Code of the State of California.

Article XV
Retirement

Section 1500. Duty to Provide Retirement System. Except as hereinafter otherwise provided, the Council shall provide, by ordinance or ordinances, for the creation, establishment and maintenance of a retirement plan or plans for all officers and employees of the City. Such plan or plans need not be the same for all officers and employees. Subject to other provisions of this Article, the Council may at any time, or from time to time, amend or otherwise change any retirement

plan or plans or adopt or establish a new or different plan or plans for all or any officers or employees.

Section 1501. Exclusions. The Council in its discretion may exclude all or any of the following persons from any or all retirement plans, to wit: Persons mentioned in sub-paragraphs (1), (2), (4), (5), (6), and (7) of sub-section (a) of Section 1101 of this Charter; all persons employed or whose services are contracted for pursuant to any transfer, consolidation or contract mentioned or referred to in Section 1109 of this Charter; persons employed pursuant to Section 1110 of this Charter; persons in City service primarily for training, study or educational purposes; persons employed or paid on a part-time, per diem, per hour or any basis other than a monthly basis; temporary employees; persons employed pursuant to any relief or anti-poverty program primarily for the purpose of giving relief or aid to such persons. Also, persons who are members of any other retirement or pension system, other than the federal social security system or any other federal retirement or pension system, and who are receiving credit in such other system for service rendered to the City may be excluded, as to such service, from any such plan or plans.

Section 1502. Authority to Join Other Systems. Subject to other provisions of this Article, the City, by and through its Council, is hereby empowered, but not required, to join or continue as a contracting agency in any retirement or pension system or systems existing or hereafter created under the laws of the State of California or of the United States of America to which municipalities and municipal officers or employees are eligible.

Section 1503. Continuance of Existing Retirement Systems. Any and all retirement system or systems, existing upon adoption of this Charter, for the retirement of officers or employees of the City, adopted under any law or color of any law, including but not limited to those retirement systems established by Parts 1, 2, and 4 of Chapter 9 of Article II of the San Jose Municipal Code, are hereby confirmed, validated and declared legally effective and shall continue until otherwise provided by ordinance. The foregoing provisions of this Section shall operate to supply such authorization as may be necessary to validate any such retirement system or systems which could have been supplied in the Charter of the City of San Jose or by the people of the City at the time of adoption or amendment of any such retirement system or systems. However, subject to other provisions of this Article, the Council shall at all times have the power and right to repeal or amend any such retirement system or systems, and to adopt or establish a new or different plan or plans for all or any officers or employees, it being the intent that the foregoing sections of this Article shall prevail over the provisions of this Section.

Section 1504. Minimum Benefits for Certain Members of Police and Fire Departments. The Council, by ordinance,

shall provide the following minimum benefits for the following members of the Police and Fire Departments of the City excepting those members who are hereinafter excluded from the application of this Section.

(a) Retirement. An officer or employee of the Police Department or Fire Department of the City shall be entitled, upon his request, to be retired from City service and to receive during such retirement until his death a monthly retirement allowance equal to fifty percent (50%) of his "final compensation," hereinafter defined, if he:

(1) Completes twenty (20) years of "service," hereinafter defined, and attains, while holding such office or employment, the age of fifty-five (55) years or more; or

(2) Completes twenty (20) years of "service," hereinafter defined, is "disabled," as such term is hereinafter defined, while holding such office or employment, and applies for such retirement while holding such office or employment.

(b) Contributions. Contributions required to be made by officers and employees of the Police Department or Fire Department of the City to any retirement fund, plan or system for or because of current service or current service benefits of or for such officers or employees, in relation to and as compared with contributions made by the City for such purpose, shall not exceed the ratio of three (3) for such officers and employees to eight (8) for the City. The foregoing provision, however, does not apply to any contributions required for or because of any prior service or prior service benefits, nor to any contributions required for or because of membership in the Federal Old Age and Survivorship Insurance Program or any other Federal insurance or retirement program or because of benefits provided by any such program.

(c) Actuarial Soundness. Any retirement plan or system established for officers or employees of the Police or Fire Departments shall be actuarially sound; and an actuarial report thereon shall be obtained at intervals not exceeding five (5) years.

(d) Definitions. As used in this Section, "service" means service as defined on the effective date of this Charter in Topic 5 of Part 3A of Chapter 9 of Article II of the San Jose Municipal Code; and "final compensation" means final compensation as defined on the effective date of this Charter in Topic 1 of Part 3A of Chapter 9 of Article II of the San Jose Municipal Code, except that with respect to officers and employees who on the effective date of this Charter are members of the Police and Fire Department Retirement Plan established by Part 3 of Chapter 9 of Article II of the San Jose Municipal Code "final compensation" shall be deemed to mean the average monthly pay received by any such officer or employee during the three (3) years immediately preceding his request for retirement. Also, as used in this Section, "disabled" means the incurrence of a disability, short of death, of permanent duration, resulting from injury or disease,

which renders the officer or employee incapable of continuing to satisfactorily assume the responsibilities and perform the duties and functions of his office or position and of any other office or position in the same classification of offices or positions to which the City may offer to transfer him; provided, however, that such a disability shall be deemed to be of permanent duration if the City or any of its authorized agencies finds that such disability will continue at least until the disabled person attains the age of fifty-five (55) years.

(e) Miscellaneous. The benefits hereinabove specified are minimum only; and the Council, in its discretion, may grant greater or additional benefits. The City shall not be deemed obligated, by virtue of any of the above provisions, to continue to employ any person or persons until he or they qualify for or request any retirement benefits. Also, anything hereinabove to the contrary notwithstanding, any retirement allowance may be terminated and cancelled if the person otherwise entitled thereto commits treason or is convicted of a felony.

(f) Persons Excluded. The provisions of this Section shall not apply to any of the following persons, the same being hereby excluded from the application of the above provisions, to wit: Any and all persons hereinabove mentioned or referred to in Section 1501; officers or employees whose principal duties are those of a telephone operator, clerk, stenographer, secretary, machinist or mechanic; and any and all other officers or employees whose principal duties or functions do not fall clearly within the scope of active law enforcement or active fire fighting and prevention service even though such an officer or employee is subject to occasional call or is occasionally called upon to perform duties or functions within the scope of active law enforcement service or active fire fighting or prevention service, excepting persons employed and qualifying as police patrolmen or in equal or higher rank in the police department irrespective of the duties to which they are assigned, or persons employed and qualifying as firemen, fire fighters, hosemen or in equal or higher rank in the fire department irrespective of the duties to which they are assigned. Also, the provisions of this Section shall not apply to any person or persons who have been retired from the service of the City prior to the effective date of this Charter.

Section 1505. Minimum Benefits for Officers and Employees Other than Members of the Police or Fire Departments. The Council, by ordinance, shall provide the following minimum benefits for all officers and employees of the City excepting those who are hereinafter excluded from the application of this Section.

(a) Service Retirement. An officer or employee of the City, other than those hereinafter excluded, shall be entitled, upon his request, to be retired from City service and to receive during such retirement until his death an annual retirement allowance equal to two percent (2%) of his "final compensation," hereinafter defined, per each year of his first

twenty-five (25) years of service, hereinafter defined, plus one percent (1%) of such final compensation per each year of his service in excess of twenty-five (25) years, subject to a maximum of eighty-five percent (85%) of such final compensation, if he:

(1) Completes twenty-five (25) years or more of "service," hereinafter defined, and attains, while holding such office or employment. the age of fifty-five (55) years or more; or

(2) Attains, while holding such office or employment, the age of seventy (70) years or more regardless of his years of service.

(b) Disability Retirement. An officer or employee of the City, other than those hereinafter excluded, who has completed ten (10) years of "service," hereinafter defined, and is "disabled," as such term is hereinafter defined, while holding such office or employment, and applies for a disability retirement while holding such office or employment,, shall be entitled, upon his request, to be retired from City service because of such disability, and to thereafter receive, during the period of such disability a monthly disability retirement allowance equal in amount to the monthly disability retirement allowance provided for in Topic 16 of Part 4 of Chapter 9 of Article II of the San Jose Municipal Code as said Topic and Chapter read on the effective date of this Charter.

(c) Contributions. Contributions required to be made by officers and employees of the City, other than those hereinafter excluded, to any retirement fund, system or plan for or because of current service or current service benefits of or for such officers or employees, in relation to and as compared with contributions made by the City for such purpose, shall not exceed the ratio of three (3) for such officers and employees to eight (8) for the City. The foregoing provision, however, does not apply to any contributions required for or because of any prior service or prior service benefits, nor to any contributions required for or because of membership in the Federal Old Age and Survivorship Insurance Program or any other Federal insurance or retirement program or for or because of any benefits provided by any such program.

(d) Definitions. As used in this Section, "service" means all service for which an officer or employee is entitled to credit under the provisions of the retirement system established by Part 4 of Chapter 9 of Article II of the San Jose Municipal Code as such Part 4 reads on the effective date of this Charter; and "final compensation" means final compensation as defined on the effective date of this Charter in Topic 1 of Part 4 of Chapter 9 of Article II of the San Jose Municipal Code. Also, as used in this Section, "disabled" means the incurrence of a disability, short of death, resulting from injury or disease, which renders the officer or employee incapable of continuing to satisfactorily assume the responsibilities and perform the duties and functions of his office or position and

of any other office or position in the same classification of offices or positions to which the City may offer to transfer him.

(e) Miscellaneous. The benefits hereinabove specified are minimum only; and the Council in its discretion, may grant greater or additional benefits The City shall not be deemed obligated, by virtue of any of the above provisions, to continue to employ any person or persons until he or they qualify for or request any retirement benefits. Also, anything hereinabove to the contrary notwithstanding, any service or disability retirement allowance may be terminated and cancelled if the person otherwise entitled thereto commits treason or is convicted of a felony.

(f) Persons Excluded. The provisions of this Section shall not apply to any of the following persons, the same being hereby excluded from the application of the above provisions, to wit. Any and all persons mentioned or referred to in Section 1501; and any and all officers and employees in the Police Department and Fire Department of the City; any person or persons who have been retired from the service of the City prior to the effective date of this Charter; and any and all persons to whom, on the effective date of this Charter, the provisions of Topic 15A of Part 4 of Chapter 9 of Article II of the San Jose Municipal Code, as it reads on the effective date of this Charter, do not apply.

ARTICLE XVI
Elections

Section 1600 General Municipal Elections. A general municipal election shall be held on the second Tuesday of April of each odd-numbered year, commencing with the year 1967, for the election of officers and for such other purposes as the Council may prescribe.

If any office required to be filled at any such election remains unfilled after the election because of the failure of any person to receive a majority of all votes cast for such office at such election, then as to such office such election shall be considered to have been a primary election, and a general municipal election shall be held on the last Tuesday of May immediately following such primary election for the purpose of filling such office. The two persons who polled the greatest numbers of votes for such office in the primary election shall be the only persons whose names shall appear on the ballot as candidates for such office at such May election. All ties in either election shall be decided by lot, during open meeting of the Council, under the direction of the Council.

Section 1601. Special Municipal Elections. All municipal elections, other than those specified in Section 1600, shall be deemed to be special municipal elections. Except as otherwise provided elsewhere in this Charter, special municipal elections shall be held at such times and for such purposes as the Council may prescribe.

Section 1602. Election Procedure. Except as otherwise provided by ordinance hereafter enacted, all municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in cities, insofar as the same are not in conflict with this Charter.

Section 1603. Initiative, Referendum and Recall. The powers of the initiative, referendum and the recall of elected municipal officers are hereby reserved to the electors of the City. The provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative and referendum and the recall of municipal officers in cities shall be applicable insofar as the same are not in conflict with this Charter; provided, however, that the number of signatures which shall be required for the exercise of said reserved powers shall be as follows:

(a) Initiative. To initiate proceedings for the exercise of the power of initiative, either of the following provisions shall apply as is applicable:

(1) If the petition is signed by duly qualified electors of the City equal in number to at least eight percent (8%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition, and contains a request that the proposed ordinance be submitted immediately to a vote of the people at a special election, the Council shall either pass the proposed ordinance for publication, without alteration, at the regular meeting at which it is presented by the City Clerk and adopt said ordinance within ten (10) days after it is so presented, or immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the City.

(2) If the petition is signed by duly qualified electors of the City equal in number to at least five percent (5%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition, 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 adopted without alteration by the Council, then the proposed ordinance, without alteration, shall be submitted by the Council to the voters at the next general municipal election.

In the event that a petition is submitted in accordance with the provisions of either sub-paragraphs (1) or (2) of this sub-section (a), and the Council submits said proposed ordinance to a vote of the voters of the City, the Council may at the same time submit an alternative ordinance.

(b) Referendum To initiate proceedings for the exercise of the power of referendum, the petition shall be signed by duly qualified electors of the City equal in number to at least eight percent (8%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition.

(c) Recall. To initiate proceedings for the exercise of the power of recall, the petition shall be signed by duly qualified electors of the City equal in number to at least twelve percent (12%) of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition.

Section 1604. Removal of City Manager. The electors of the City do hereby reserve the power to remove from his office the person holding the position of City Manager. The provisions of the Elections Code of the State of California governing the recall of holders of elective offices of cities, as they now exist or may hereafter be amended, shall be applicable, insofar as the same are not in conflict with this Charter, to the removal from his office of the person holding the position of City Manager, the same as if the position of City Manager were an elective office; provided, however, that:

(a) To initiate proceedings for the exercise of said power, the petition shall be signed by duly qualified electors of the City equal in number to at least the same percentage of the number of persons eligible to vote at the general municipal election next preceding the filing of the petition as is required for recall petitions under the provisions of sub-section (c) of Section 1603 of this Charter.

(b) If a vacancy occurs in the office of City Manager after a removal petition has been filed, no election need be held;

(c) There shall be no nomination of candidates to succeed the incumbent in the event the incumbent is removed from office. If the incumbent is removed from his office pursuant to the provisions of this Section, a successor shall be appointed by the Council.

No person who has been removed from the office of City Manager pursuant to the provisions of this Section shall be reappointed thereto within a period of four (4) years from and after date of such removal.

ARTICLE XVII
General Provisions

Section 1700. Parks. Except as otherwise provided elsewhere in this Charter, the public parks of the City shall be inalienable unless otherwise authorized by the affirmative votes of the majority of the electors voting on such a proposition in each case; provided and excepting, however, that the same or any interest therein, or any concessions or privileges therein or in any building or structure situate therein, may be leased by the Council, or the Council may grant permits or licenses for the same, without any vote of any electors, if the term of each such lease or permit does not exceed three (3) years. As used herein "public parks" means any and all lands of the City which have been or are dedicated, improved and opened to the public for public park purposes.

Section 1701. Underground Parking Stations in Parks. Whenever the Council finds with respect to any public park,

plaza, or square that the construction, when completed, in the sub-surface space thereunder of a public parking station (including all entrance and exit approaches, openings, and ramps, ventilators, elevator shafts and other appurtenances to such parking station) and/or the operation in the sub-surface space thereunder of a public parking station (including services incidental to such operations such as sale of gasoline, oil and accessories and lubrication and oiling of vehicles) will not be in any material respect or degree detrimental to public park, plaza or square purposes or in contravention of any conditions under which such public park, plaza or square was received, the City, without the affirmative vote of any electors, may construct and/or operate such public parking station in the sub-surface space under such public park, plaza or square, or said Council may lease to the highest responsible bidder for a term not to exceed fifty (50) years, and upon such other terms and conditions as it may determine, sub-surface space under such public park, plaza or square for the purpose of constructing and/or operating therein such public automobile parking station. Nothing contained in this Section shall be deemed to deprive the City or its Council of any powers, nor limit or restrict any powers which the City or its Council may have, with respect to public parks, under or by virtue of other provisions of this Charter.

Section 1702. Streets in Parks. The Council, by ordinance, without the affirmative vote of any electors, may authorize the opening, establishment and/or maintenance of streets or other public ways in or through any of the public parks, public places or other public property of the City. Nothing contained in this Section shall be deemed to deprive the City or its Council of any powers, nor limit or restrict any powers which the City or the Council may have, with respect to public parks, under or by virtue of other provisions of this Charter.

Section 1703. Validity of Charter; Severability. If any provision of this Charter, or the application thereof to any person or circumstances is held invalid, the remainder of the Charter and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 1704. Definitions. Unless the provisions or the context otherwise require, as used in this Charter:

(a) "Shall" is mandatory and "may" is permissive;

(b) "City" is the City of San Jose and "department," "board," "commission," "agency," "officer," or "employee" is a department, board, commission, agency, officer or employee, as the case may be, of the City of San Jose;

(c) "Council" is the Council of the City of San Jose;

(d) A "member of the Council" means any one of the seven (7) members of the Council, including the Mayor;

(e) "County" is the County of Santa Clara;

(f) "State is the State of California;

(g) "Newspaper of general circulation within the City" is defined by Section 6000 of the Government Code of the State of California;

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

Section 1705. Effective Date. This Charter shall be effective from the time of its approval by the State legislature.

ARTICLE XVIII
Transitional Provisions

Section 1800. Existing Laws, Ordinances, Regulations, Etc. All City ordinances, resolutions, orders and regulations which are in force when this Charter becomes effective are repealed to the extent that they conflict or are inconsistent with, or interfere with the effective operation of, this Charter or of any ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution of the State of California permits, all State laws relating to or affecting this City or its agencies, officers or employees which are in force when this Charter becomes effective are superseded to the extent that they conflict or are inconsistent with, or interfere with the operation of, this Charter or of ordinances or resolutions adopted pursuant thereto.

All City ordinances, resolutions, orders and regulations which are in force when this Charter becomes effective, if and to the extent that they are not repealed by the provisions of the immediately preceding paragraph, shall remain in full force and effect until amended or repealed pursuant to the provisions of this Charter.

Without limitation of the general operation of the above provisions of this Section, or of the number or nature of the provisions to which it applies, the Council is hereby empowered to amend or repeal any City ordinance, resolution, rule or regulation which is in force when this Charter becomes effective notwithstanding the fact that such ordinance, rule or regulation may have been adopted or approved by the people of the City prior to the time this Charter becomes effective.

Section 1801. Pending Matters. All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified, terminated or otherwise disposed of pursuant to the provisions of this Charter, and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this Charter.

Section 1802. Continuity of Agencies. Any office, department or agency provided for in this Charter with powers and duties the same or substantially the same as those of an office, department, or agency heretofore existing shall be deemed to be a continuation of such office, department or agency and shall exercise such powers and duties as it has under this Charter in continuation of their exercise by the office, depart-

ment or agency by which the same were heretofore exercised and shall have the power to continue any business, proceedings or other matter within the scope of its powers and duties under this Charter commenced by an office, department or agency by which such powers and duties were heretofore exercised.

Section 1803. Existing Members of Boards and Commissions. Until otherwise provided by the Council, all persons who at the time this Charter takes effect are members of any City boards and commissions, excepting the Planning Commission, the Civil Service Commission and the Board of Library Trustees, shall continue to hold their respective offices and perform the duties thereof, to the extent that such duties are not in conflict with other provisions of this Charter, until the expiration of their respective terms or until sooner removed therefrom by the Council. Membership in the Planning Commission and in the Civil Service Commission shall be governed by other applicable provisions of this Charter. The Board of Library Trustees is hereby abolished, and membership therein vacated, as of the effective date of this Charter; provided, however, that the Council may, in its discretion, establish a new library board and grant it such powers and duties, consistent with other provisions of this Charter, as the Council may deem appropriate.

Section 1804. Existing Officers and Employees. Subject to the provisions of Section 1604, the persons holding the offices of City Manager, City Clerk and City Attorney, respectively, at the time this Charter takes effect shall continue to hold such offices and perform the respective duties thereof, as established by or pursuant to this Charter, until removed by Council. Subject to such removal, change and control as is required, provided or authorized in or by other provisions of this Charter, all other persons holding other appointive offices or positions in the Civil Service of the City at the time this Charter takes effect, excepting members of boards and commissions, shall continue to perform the duties of their respective offices or positions until persons are appointed, pursuant to this Charter, to succeed to or take over their duties or until relieved pursuant to this Charter, of their duties.

Section 1805. Transfers, Etc. If because of this Charter all or substantially all of the duties or work of any position or employment which was in the Classified Service under the provisions of the immediately preceding Charter are transferred from one department or office to another department or office, then in that event, unless otherwise provided by the Council, such Classified positions or employments shall be deemed transferred to the new department or office and the persons holding such positions or employments on the effective date of this Charter shall continue to hold such positions or employments and perform the duties and work thereof in the new department or office, subject to such removal, supervision

and control as is provided for elsewhere in this Charter. If, upon or after the transfer by this Charter of such duties or work of such Classified positions or employments to another department or office, said positions are discontinued and new or revised Classified positions are created, the persons holding the original positions shall be deemed qualified for transfer or appointment to, and may be transferred or appointed to, the new or revised positions, without examination or further compliance with any Civil Service regulations governing transfers or appointments, if the duties or work thereof are substantially similar to or were substantially included within the duties or work of their prior positions or employments.

If because of this Charter any of the duties or work of any position or employment which was in the Unclassified Service under the provisions of the immediately preceding Charter are transferred from one department or office to another and thereafter assigned in such new department or office to a Classified position in the new department or office, then in that event, unless otherwise provided by the Council, the person holding the original Unclassified position or employment shall be deemed qualified for transfer or appointment to, and may be transferred or appointed to, the new Classified position to which any of his former duties or work have been transferred or assigned, without examination or further compliance with any Civil Service regulations governing transfers or appointments, if the duties or work of the new Classified position are substantially similar to or were substantially included within the duties or work of his prior position or employment.

Any person who is transferred pursuant to the preceding provisions of this Section from a Classified or Unclassified position or employment in one department or office to a Classified position or employment in another department or office shall acquire a non-probationary status in the classification within which such new position or employment is included pursuant to this Charter if such person has been performing the duties of such position, employment or classification for a period of at least six (6) months immediately prior to the effective date of this Charter, but if such person on the effective date of this Charter has been performing such duties for a period of less than six (6) months, he shall have a probationary status in the new classification and will acquire non-probationary status only if and when he completes six (6) months of such service in such position, employment or classification.

And we and each of us further certify that we have compared the foregoing proposed, adopted, and ratified charter of the City of San Jose with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, and correct and exact copy of said charter.

The foregoing proposed, adopted, and ratified charter of the City of San Jose is hereby submitted to the Legislature of the

State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California.

As to said Charter, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of San Jose to be affixed hereto on this 22nd day of April, 1965.

JOSEPH L. PACE
(SEAL) Mayor of the City of San Jose
FRANCIS L. GREINER
City Clerk of the City of San Jose

and

WHEREAS, Said proposed charter, as adopted and ratified, as hereinabove set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members of each house voting therefor and concurring therein, That said proposed Charter of the City of San Jose, hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of the City of San Jose, be and the same is hereby approved as a whole, without alteration or amendment, as the Charter of the said City of San Jose.

CHAPTER 77

Assembly Concurrent Resolution No. 106—Relative to congratulating Harry S Truman.

[Filed with Secretary of State May 4, 1965.]

WHEREAS, On May 8, 1884, in Lamar, Missouri, a young woman gave birth to a son named Harry who in future years was to become the 33rd President of the United States; and

WHEREAS, Under any circumstances the Presidency of our country is a difficult and demanding position, but for Harry Truman it was even more so for he was to succeed to that high office on the death of the beloved Franklin Delano Roosevelt; and

WHEREAS, The decisions which he was called upon to make during his terms of office would have crushed a lesser man, but Harry Truman possessed those qualities of strength, wisdom, courage and foresight to meet and solve the complex

problems constantly besetting him during those years of world crisis; and

WHEREAS, The passage of time has indicated that he was the right man at the right time and truly ranks among the great Presidents of the United States; and

WHEREAS, May 8th, 1965, marks the 81st birthday of this remarkable individual; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature extend their best wishes to Harry S Truman on the occasion of his 81st birthday and wish him many more years of good health and happiness; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Harry S Truman

---

CHAPTER 78

Assembly Joint Resolution No. 12—Relative to state parks.

[Filed with Secretary of State May 5, 1965]

WHEREAS, The business section of the community of Weott has been severely flooded three times in the last 10 years, with damage in the neighborhood of one million dollars and is in grave peril of additional flooding in the future; and

WHEREAS, The citizens of Weott are concerned about the flood danger, and have formed an association to seek assistance; and

WHEREAS, The United States Army Corps of Engineers has made preliminary studies which show that direct protection of the community of Weott by a levee or dike would not be economically feasible; and

WHEREAS, The Corps of Engineers is permitted to accomplish flood protection through evacuation of the flood plain, provided it receives firm assurance that the flood plain will never subsequently be reoccupied by facilities requiring flood protection; and

WHEREAS, Further preliminary studies by the Corps of Engineers indicate that the latter method of flood protection at Weott would be feasible if the Division of Beaches and Parks of the Department of Parks and Recreation of the State of California participates in the program and receives the evacuated land for park uses; and

WHEREAS, Weott is surrounded by lands of Humboldt Redwoods State Park and the lower levels of the townsite, which are subject to flooding, would be well adapted and excellently located for the establishment of state park recreational facilities along the Avenue of the Giants Parkway, of such a nature as not to be damaged by occasional flooding; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the United States Army Corps of Engi-

neers and the Division of Beaches and Parks of the Department of Parks and Recreation of the State of California are hereby requested to conduct a joint study as to the feasibility of the development of a state park at Weott; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Chief of Engineers, Corps of Engineers of the Department of the Army of the United States and to the Chief of the Division of Beaches and Parks of the Department of Parks and Recreation.

CHAPTER 79

Assembly Concurrent Resolution No. 110—Relative to commending Bakersfield Elks Lodge No. 266.

[Filed with Secretary of State May 5, 1965]

WHEREAS, It has come to the attention of the Members of the Assembly that Bakersfield Elks Lodge No. 266 has been awarded the Freedom Foundation at Valley Forge's Community Program Award and the George Washington Medal for its achievements in promoting patriotism and citizenship and, through example, demonstrating that community life is the backbone of our democracy; and

WHEREAS, The lodge's program was keyed to the four major precepts of charity, justice, brotherly love, and fidelity, and was aimed specifically at ways and means of increasing opportunity for the youth of the community, of providing a measure of hope for the elderly, of assisting veterans in building a future, and of understanding and assistance to the needy, leading to increased self-respect; and

WHEREAS, This program has entered into all phases of community life in which support or assistance might be warranted and has been tremendously successful; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature congratulates Bakersfield Elks Lodge No. 266 upon its receipt of the awards referred to, and wishes the lodge continued success in its community program and in all of its endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Bakersfield Elks Lodge No. 266.

CHAPTER 80

Assembly Concurrent Resolution No. 111—Relating to commending John L. Compton Junior High School, James A. Curran Junior High School, Roosevelt Elementary School, Plantation School, Standard Elementary School, and Wingland Elementary School.

[Filed with Secretary of State May 6, 1965.]

WHEREAS, It has come to the attention of the Assembly that the coveted George Washington Honor Medal has been awarded to John L. Compton Junior High School, James A. Curran Junior High School, Roosevelt Elementary School, Plantation School, Standard Elementary School, and Wingland Elementary School; and

WHEREAS, John L. Compton Junior High School students and faculty for the past year conducted an intensive study of the birth of freedom in our nation and the basic tenets of our constitutional republic; and

WHEREAS, John L. Compton Junior High School students and faculty culminated such study by holding a "Freedom Day" exhibit which was attended by more than one thousand people, and included an hourlong "Freedom Pageant" which depicted the story of the United States through the story of the flags that have flown over our nation with gripping effect; and

WHEREAS, The John L. Compton Junior High School "Freedom Day" exhibit displayed more than 400 exhibits showing the results of a yearlong study of citizenship and patriotism by all departments of the school; and

WHEREAS, The John L. Compton Junior High School "Freedom Day" program as vividly captured on film led directly to the coveted Freedoms Foundation award granted, the George Washington Honor Medal; and

WHEREAS, James Curran Junior High School through its total school program has contributed greatly to achieving a better understanding of the American Way of Life; and

WHEREAS, James Curran Junior High School students embarked upon an intensive study of the patriotic ideals of our American heritage; and

WHEREAS, James Curran Junior High School students studied zealously many facets of the patriotic ideals celebrated by our forefathers including "Freedom, and Its Meaning;" "Our Flag" ' "Famous Americans" ' and "Our American Heritage" ' and

WHEREAS, James Curran Junior High School students developed an original play entitled "Let Freedom Really Ring"; and

WHEREAS, James Curran Junior High School students and faculty inspired by the rich experiences in patriotism and the ideals of our American Way of Life afforded by the regular school program prepared a beautiful antiqued wood book with

a handwrought facsimile of our national symbol, the American Eagle, for which, the coveted Freedoms Foundation award, the George Washington Honor Medal, was awarded; and

WHEREAS, Roosevelt Elementary School students, having taken to heart the teaching of the ideals of our great American Heritage, including respect for the dignity and rights of each individual and the responsibilities of living in freedom under the protection of our constitutional government, participated in the American Legion "Let Freedom Really Ring" contest by writing and producing a dramatization of the Continental Congress drafting and signing the Declaration of Independence; and

WHEREAS, Roosevelt Elementary School students prepared murals symbolic of freedom, justice, democracy, and loyalty and other displays in the scrapbook submitted to the Freedoms Foundation; and

WHEREAS, Plantation School carried out a schoolwide program emphasizing citizenship and respect for our American Heritage; and

WHEREAS, Plantation School carried out its program by emphasizing the history of the American Flag and respect due it, respect for property and the rights of others, studies about our great American patriots, the great documents of America, and about some of the famous national shrines, and

WHEREAS, Plantation School also sponsored an essay contest with the subject being "Why I'm Proud to Be an American;" and

WHEREAS, Plantation School conducted the annual patriotic assembly entitled "The Cavalcade of America" in which children from grades four to six acted out a tableau of American history from 1776 through the present, accompanied by a 75-member school chorus singing appropriate songs from each period of time depicted, for which, the coveted Freedoms Foundation award, the George Washington Honor Medal was received; and

WHEREAS, Standard Elementary School presented a scrapbook containing many imaginative and graphic approaches to the study of American patriotic ideals including essays on appreciation of those great Americans who were responsible for our great heritage, artwork, pictures of bulletin boards, heroes—great Americans, and many other written and pictorial subject matter relating to our great American heritage, for which, the coveted Freedoms Foundation award, the George Washington Honor Medal, was received; and

WHEREAS, Wingland Elementary School embarked upon an intensive program to acquaint its students with the patriotic ideals and values attributable to our great American heritage; and

WHEREAS, Wingland Elementary School, in implementing the program, emphasized the history and meaning of the American Flag, the inalienable rights of a free people, a study of the United States Constitution, the symbols of freedom and

individual interpretations of freedom by each student, for which, the coveted Freedoms Foundation award, the George Washington Honor Medal, was received; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature congratulate the members of the faculty and student body of John L. Compton Junior High School, James A Curran Junior High School, Roosevelt Elementary School, Plantation School, Standard Elementary School, and Wingland Elementary School on their meritorious achievements and for reflecting credit upon the California school system in attaining the coveted Freedoms Foundation awards; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to John L. Compton Junior High School, James A. Curran Junior High School, Roosevelt Elementary School, Plantation School, Standard Elementary School, and Wingland Elementary School.

CHAPTER 81

Senate Concurrent Resolution No. 33—Relating to the Emergency Flood Relief Law.

[Filed with Secretary of State May 7, 1965.]

WHEREAS, It was the intention of the Legislature in enacting the Emergency Flood Relief Law (Section 54150 et seq. of the Government Code), and in defining the term "project" for the purpose of this law, to provide financial assistance to local agencies for storm or flood damage to any and all types of public works; and

WHEREAS, It has come to the attention of the Legislature that the Department of Finance has administratively construed the term project in an unauthorized restrictive manner so as to exclude public recreation and park facilities including public swimming pools and public driveways and buildings appurtenant thereto; and

WHEREAS, Such a restrictive construction is unwarranted and contrary to the Legislature's intent in enacting these provisions; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Finance is requested to adopt a more liberal construction of the term "project," as used in the Emergency Flood Relief Law so as to carry out the legislative intent, and, specifically, to approve applications for financial assistance under this law for public recreation and park facilities, including public swimming pools and public driveways and buildings appurtenant thereto; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of Finance.

CHAPTER 82

Senate Concurrent Resolution No. 73—Relative to the observance of the Cinco de Mayo.

[Filed with Secretary of State May 7, 1965]

WHEREAS, One of the great days in Mexican history, celebrated by Mexicans at home and in foreign countries, is known as the Cinco de Mayo, or the 5th of May; and

WHEREAS, The day is the anniversary of the Battle of Guadalupe near Puebla, which was fought in 1862 by a Mexican force of about 2,000 against a French force of 6,000; and

WHEREAS, The victory achieved by the vastly outnumbered Mexican forces fired the hearts of people everywhere and is considered a monument to the courage, fortitude and resolve of the Mexican people; and

WHEREAS, The 5th of May is thus an appropriate time for the people of this state to salute our good neighbor to the south and to pay honor to those of her people who have come to California and contributed so much of their labor, culture and ideals to the development of our state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That all Californians be urged to observe the 5th of May as a time to pay honor to our friends in the great nation which borders us on the south.

CHAPTER 83

Assembly Joint Resolution No. 21—Relating to the Manpower Development and Training Act of 1962.

[Filed with Secretary of State May 7, 1965.]

WHEREAS, It is necessary that training and retraining opportunities be opened as fully as possible to older workers, including the provision for on-the-job training in advance of layoffs in order that unemployment be reduced; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to increase the present funds allocated to the Manpower Development and Training Act of 1962 (42 U.S.C., Sec. 2571 et seq.) in order to expand the present opportunities for training of older adults and to increase the present level of training allowances for persons enrolled in such programs and to continue financing this program entirely with federal funds; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitably prepared copies of this resolution

to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 84

Senate Concurrent Resolution No. 17—Relative to expenses of the Joint Interim Committee on Uniform Laws.

[Filed with Secretary of State May 10, 1965]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of three thousand five hundred dollars ($3,500) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Uniform Laws (created by Section 10401 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 85

Assembly Concurrent Resolution No. 21—Relating to the Alcoholic Rehabilitation Center at the Presbyterian Medical Center.

[Filed with Secretary of State May 10, 1965]

WHEREAS, Alcoholism ranks fourth as a health problem in the United States, and California is said to have in excess of 800,000 alcoholics; and

WHEREAS, Alcoholism not only creates broken homes, deprivation, and deep despair among thousands of California families, but this disease threatens to end the existence of hundreds of thousands of our people; and

WHEREAS, In the great City of San Francisco there is located an organization established to receive, treat, care, and attempt to effect a cure of alcoholism, known as the Alcoholic Rehabilitation Center of the Presbyterian Medical Center; and

WHEREAS, Since November of 1961 the center has been effectively treating and rehabilitating alcoholics and helping these individuals to go forth into our state as able, self-supporting people who can contribute to the excellence of our growth; and

WHEREAS, Our state assisted this worthwhile activity until June 1964 when the aid was terminated, leaving the center dependent solely on patient fees and private grants, and now these private sources have proved to be inadequate to allow

the clinic to continue its successful treatment program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Finance is requested to authorize the expenditure of twenty-five thousand dollars ($25,000) from the Emergency Fund by the State Department of Public Health for the support, under contract, of the Alcoholic Rehabilitation Center at the Presbyterian Medical Center for the remainder of the current fiscal year.

CHAPTER 86

Assembly Concurrent Resolution No. 94—Approving amendments to the Charter of the City of Burbank, County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the 23rd day of February, 1965.

[Filed with Secretary of State May 11, 1965.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Burbank, a municipal corporation, situated in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Burbank and the city clerk of said city as follows, to wit:

State of California }
County of Los Angeles } ss.
City of Burbank }

We, the undersigned, Dallas M. Williams, President of the Council of the City of Burbank, State of California, and Marion W. Marshall, City Clerk of said City, do hereby certify and declare as follows:

The City of Burbank, in the County of Los Angeles, State of California, was at all times mentioned herein and now is a City of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI, of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said City on its own motion submitted to the electors of said City, at a special municipal election called for that purpose, held within said City on the 23rd day of February, 1965, certain proposed amendments to the City Charter of said City.

Said proposed amendments were published in the Burbank Daily Review, a newspaper of general circulation printed and published in said City and having a general circulation therein,

said newspaper being the official newspaper of said City, on the 11th day of January, 1965, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Said legislative body caused copies of said amendments to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, until the day fixed for said election, advertised in said Burbank Daily Review, a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 23rd day of February, 1965, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said City Charter.

Said proposed amendments were duly and regularly submitted to, and duly and regularly ratified by, the said qualified voters of said City, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said City have been complied with and that said amendments are as follows:

Charter Amendment No. 1

Subsection (b) of Section 4 of the Charter of the City of Burbank is amended to read:

(b) All officers, assistants, deputies, and clerks of the City and of the various departments thereof, and all employees except such as may be employed for temporary and special purposes, must be citizens of the United States of America during their respective periods of employment.

Charter Amendment No. 2

Section 15 of the Charter of the City of Burbank is amended to read:

Public Works Department

Section 15. There shall be a Public Works Department supervised and directed by a Public Works Director appointed by the City Manager. The Public Works Director shall be a registered Civil Engineer who has practiced his profession for a period of at least five years before his appointment. He shall actually reside within the City when his appointment becomes permanent.

The Public Works Department shall be composed of an Engineering Division and a Street Division, except as may otherwise be provided by ordinance. The Engineering Division shall be directed by a City Engineer and the Street Division by a Street Superintendent, appointed by the City Manager and subject to the supervision of the Public Works Director. The City Engineer and Street Superintendent shall actually reside within the City when their appointments become permanent. The Public Works Director shall serve as City Engineer or Street Superintendent, or both, during such time as there may be no appointment to either of these offices.

The City Engineer shall be a registered Civil Engineer who has practiced his profession for a period of at least three years before his appointment. He shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the State and shall be the custodian of, and responsible for, all maps, profiles, field notes, and other records and memoranda belonging to the City pertaining to his office and the work thereof, all of which he shall keep in proper order and condition, with full indices thereof. Upon relinquishing his office, he shall deliver all such records and memoranda to his successor who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control during his term of office shall be the property of the City. He shall have supervision over all matters of an engineering character.

The Street Superintendent shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the State.

Nothing herein contained shall prevent the City Manager from acting as ex-officio Public Works Director, City Engineer and Street Superintendent and filling such offices as herein provided.

Charter Amendment No. 3.

Section 16, including the caption thereof, of the Charter of the City of Burbank is repealed.

This is to certify that we, Dallas M. Williams, President of the Council of the City of Burbank, and Marion W. Marshall, City Clerk of the City of Burbank, have compared the ratified amendments with the original proposed amendments submitted to the qualified electors of the said City, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and each of them, are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Burbank to be attached on this 13th day of April, 1965.

(SEAL)

DALLAS M. WILLIAMS,
President of the
Council of the City
of Burbank, California
MARION W. MARSHALL,
City Clerk of the City
of Burbank, California

and

WHEREAS, Said amendments to the Charter of the City of Burbank so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Burbank as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments and as part of the said Charter of the City of Burbank.

CHAPTER 87

Assembly Concurrent Resolution No. 95—Approving certain amendments to the Charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the city at a special municipal election held therein on the sixth day of April, 1965.

[Filed with Secretary of State May 11, 1965.]

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

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF GLENDALE

State of California
County of Los Angeles } ss.
City of Glendale

We, Herman E. Barnes, Mayor of the City of Glendale, and John H. Walters, City Clerk and ex-officio Clerk of The Council of the City of Glendale, do hereby certify and declare as follows:

That the City of Glendale, in the County of Los Angeles, State of California, is now, and was at all of the times mentioned herein, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That the City of Glendale is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of the City at a special municipal election held for that purpose on the 29th day of March, 1921, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 11th day of May, 1921 (Assembly Concurrent Resolution No. 30, Chapter 71, Statutes 1921, p. 2205).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, The Council of the City of Glendale, being the legislative body of the City, on its own motion by Resolution No. 15,118 adopted on the 24th day of November, 1964, and by Resolution No. 15,142 adopted on the 15th day of December, 1964, duly and regularly submitted to the qualified electors of the City two proposals for the amendment of the Charter of the City of Glendale, which were designated Charter Amendment No. 1 and Charter Amendment No 2 respectively; and The Council ordered that the said proposed charter amendments be submitted to the qualified electors of the City at a special municipal election to be held in the City on the 6th day of April, 1965, which date was fixed in the said resolutions as the date for holding the special municipal election.

That on the 19th day of February, 1965, the proposed charter amendments were published and advertised in accordance with Section 8, Article XI of the Constitution, in the Glendale News-Press, the official newspaper of the City and a newspaper of general circulation therein, and in each edition thereof during the day of publication.

That copies of the proposed charter amendments were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of the City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 19, 1965 to and including April 5, 1965; and a notice was advertised and published on and from February 19, 1965 until April 5, 1965, in the Glendale News-Press, a newspaper of general circulation in the City, that copies thereof might be had at the office of the City Clerk upon application therefor.

That The Council of the City did, by ordinance designated as Ordinance No. 3565, which was duly passed on the 2nd day of March, 1965, order the holding of a general and special municipal election in the City of Glendale on the 6th day of April, 1965, which date was not less than forty days, and not more than sixty days after the completion of the publication of the proposed charter amendments as aforesaid, which said ordinance was published once a week for two weeks prior to the time for the holding of said election, to wit: on March 17, 1965 and March 24, 1965, pursuant to the provisions of the Charter of the City of Glendale, in the Glendale News-Press; and The Council did by ordinance order the Special Municipal Election consolidated with the General Municipal Election to be held in the City on the 6th day of April, 1965.

That the Special Municipal Election was held in the City of Glendale on the 6th day of April, 1965, which day was not less than forty days, and not more than sixty days after the proposed amendment to said Charter had been published in the Glendale News-Press.

That thereafter The Council of the City of Glendale did in the manner provided by law duly and regularly canvass the returns of the Special Municipal Election and did, by resolution adopted April 12, 1965, duly declare the results of the Special Municipal Election as determined from the canvass of the returns thereof.

That at the Special Municipal Election, Charter Amendment No. 1 was ratified by a majority of the electors of the City voting thereon.

That Charter Amendment No. 1 so ratified by the electors of the City of Glendale is in words and figures as follows:

Charter Amendment No. 1

Section 9 of Article XXIV of the Charter of the City of Glendale is amended to read:

"(Article XXIV) Section 9. Procedure as to Removal, Suspension and Reduction in Rank. Any person employed in the classified service may be removed, suspended or reduced in rank or grade after appointment or promotion is complete by the appointing agency, for cause, by an order in writing stating specifically the reasons therefor. Said order shall be filed with the commission and a copy thereof served upon the employee so removed, suspended or reduced. Any person so removed, suspended or reduced may, within five days after presentation to him of a copy of the order of removal, suspension or reduction, appeal to the commission from such order. The commission or its authorized representative shall, within two weeks after the filing of said appeal, commence a proceeding to fully hear and determine the matter. If an authorized representative of the commission hears the appeal, any proposed determination shall be presented to the commission with a report of the proceedings and the commission shall review the same and make its deter-

mination adopting or modifying or revoking the determination made by the authorized representative. The commission's determination shall be final."

That at the Special Municipal Election, Charter Amendment No. 2 was ratified by a majority of the electors of the City voting thereon.

That Charter Amendment No. 2 so ratified by the electors of the City of Glendale is in words and figures as follows:

Charter Amendment No. 2

Section 9 of Article VI of the Charter of the City of Glendale is amended to read:

"(Article VI) Section 9. Contracts: Every contract, involving an expenditure of more than Five Thousand Dollars ($5,000.00), for the erection, improvement and repair of public buildings and works, for street and sewer work, for the installation of pipes, fire hydrants, wells, pumping plants, conduits, electric transmission lines, substations, power plants, gas mains and generators, improvement and development of parks and playgrounds, and works for protection against overflow, and each separate purchase of materials or supplies for the same where the expenditure required for such purchase shall exceed the sum of Five Thousand Dollars ($5.000.00), shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by two insertions, the first of which shall be at least ten (10) days before the time for opening bids; provided, that the Council may reject any and all bids presented and may re-advertise in its discretion. After rejecting bids or if no bids are received, the Council may declare and determine that in its opinion the work in question may be performed better or more economically by the City with its own employees, or that such materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by a four-fifths vote, it may proceed to have said work done or such materials or supplies purchased in the manner stated without further observance of the provisions of this section; and, provided further, that such contracts may be let and such purchases made without advertising for bids if such work or the purchase of such materials or supplies shall be deemed by the Council to be of urgent necessity, and shall be authorized by a four-fifths vote.

Nothing in this section shall prohibit the doing of such work or any portion thereof, by the City, with its own employees without first advertising for bids; provided, however, that where the estimated cost of doing such work, except repair or maintenance work, shall exceed the sum of Five Thousand Dollars ($5,000.00), it shall be authorized by the Council by resolution. Nothing in this section shall apply to or prohibit the purchase of materials or supplies for the care, repair or maintenance of streets or public utilities without first advertising for bids."

We further certify that we have compared the text of each of the foregoing Charter Amendments with the original proposals submitting the same to the electors of the City and find that the foregoing is a full, true, correct and exact copy of each of said original proposals. That as to said Charter Amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Glendale to be affixed hereto, this 12th day of April, 1965.

HERMAN E. BARNES
(SEAL) Mayor of the City of Glendale
JOHN H. WALTERS
City Clerk of the City of Glendale

Approved as to form
HENRY McCLERNAN, City Attorney
By J. W. RAINVILLE
Date April 8, 1965

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Glendale, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Glendale.

CHAPTER 88

Assembly Concurrent Resolution No. 115—Commending Coro Foundation and Citizens For Coro.

[Filed with Secretary of State May 12, 1965.]

WHEREAS, Coro Foundation of Los Angeles and San Francisco has since 1942 conducted research and educational programs aimed at the improvement and uplifting of government and politics; and

WHEREAS, The major educational program of Coro Foundation—the internship in public affairs—will this year have

graduated 285 talented young men and women, trained for productive careers in public life; and

WHEREAS, The Coro concept of education for public life involves a practical program of personal involvement in the operations of the community, with each participant becoming personally acquainted with the operations of government, politics, business, labor, and community agencies; and

WHEREAS, Coro Foundation's pioneer work in this area has brought great credit to the State of California, as well as having materially strengthened state and local government and politics by reason of the outstanding young people it has launched on public careers in California; and

WHEREAS, The recent formation of Citizens for Coro, a group of successful individuals lending their support to this nonprofit, nonpartisan endeavor answers a longfelt need of the many Californians who have been enthusiastic about Coro's work, and have wished for a way to join in the foundation's support; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California, hereby commends Coro Foundation on its outstanding record of service to the democratic form of government, and extends congratulations to its cofounders, Van Duyn A. Dodge and W. Donald Fletcher; and be it further

Resolved, That the Legislature of the State of California hereby extends its best wishes to Coro Foundation in its future endeavors in its educational work, and congratulates the members of Citizens for Coro on their good judgment and civic responsibility in backing this important contribution to the future of our system of government; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Coro Foundation, Citizens for Coro, Mr. Van Duyn A. Dodge, and Mr. W. Donald Fletcher.

CHAPTER 89

Senate Joint Resolution No. 30—Relative to the Tahoe Basin National Parkway.

[Filed with Secretary of State May 13, 1965.]

WHEREAS, The rapid urbanization of the Lake Tahoe basin threatens the outstanding scenic qualities of this world famous lake and its surrounding environment; and

WHEREAS, The Tahoe Regional Planning Commission of California and Nevada has prepared a general plan for the conservation and enhancement of the Lake Tahoe region; and

WHEREAS, That plan indicates the need and approximate location for a parkway loop system around the lake which would afford an excellent recreation experience for the travel-

ing public, as well as preserving for future generations the unparalleled beauty of the adjacent mountain slopes; and

WHEREAS, The nature and use of the proposed parkway merits consideration by the National Park Service for application of its excellent criteria, planning, and designs incorporated in existing national parkways, and justifies such development for inclusion in the national parkway system; and

WHEREAS, The time remaining for action to preserve and properly develop any portion of the Lake Tahoe region for the recreational benefit of this and future generations is rapidly growing shorter; and

WHEREAS, The proposed California-Nevada Lake Tahoe Parkway is under active consideration by the President's Recreation Advisory Council; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to afford favorable consideration to any measure introduced in Congress authorizing a feasibility study of the proposed Lake Tahoe National Parkway; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California and Nevada in the Congress of the United States.

CHAPTER 90

Assembly Concurrent Resolution No. 124—Approving a certain amendment to the Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the 20th day of April, 1965.

[Filed with Secretary of State May 14, 1965.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the vice mayor and city clerk of said city, as follows, to wit:

State of California }
County of Alameda } ss:
City of Oakland }

We, the undersigned, Felix F. Chialvo, Vice-Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 45286 C.M.S. passed February 2, 1965, duly and regularly proposed and submitted to the qualified electors of said City, a certain proposal designated as Proposition 1 for amending the Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 20th day of April, 1965. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned Resolution No. 45286 C.M.S., and that by said resolution said Council consolidated said special municipal election with the Nominating Municipal Election to be held in said City on the 20th day of April, 1965.

That said consolidated special municipal election was duly and regularly held in said City in accordance with the provisions of the Charter of the City of Oakland and in the manner provided by law, after due notice given and published, with the said Nominating Municipal Election on the 20th day of April, 1965, which said day was not less than forty nor more than sixty days after the completion of the publication and advertisement of the aforementioned proposed amendment in the "Oakland Tribune," the official newspaper of said City.

That such proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Oakland, on the 11th day of March, 1965, in the "Oakland Tribune," a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form, and in type of not less than ten point, and a copy thereof was mailed to each of the qualified

electors in said City, in accordance with the Constitution of the State of California and the Charter of the City of Oakland; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the 11th day of March, 1965, and on each day thereafter to and including the 20th day of April, 1965, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Oakland, the Council of said City provided for the formulation and printing of a statement not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposal to amend the Charter of said City; that a copy of said printed statement was mailed and distributed by the City Clerk of said City of Oakland to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed amendment.

That as to the said amendment to the Charter of the City of Oakland hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that all provisions of law and of the Charter of the City of Oakland, applicable thereto, have been fully conformed to and complied with.

That in accordance with the provisions of the Charter of the City of Oakland, and with the law in such cases made and provided, the Council on the 26th day of April, 1965, at a meeting duly and regularly called and held at its usual place of meeting, which meeting was recessed to and reconvened on the 27th day of April, 1965, did duly and regularly canvass the returns of said consolidated elections, as certified by the election boards, and at a meeting of said Council duly and regularly called and held on the 27th day of April, 1965, at its usual place of meeting, said Council by its Resolution No. 45547 C.M.S. did duly find, determine and declare the result of said special municipal election, as determined from the canvass of the returns thereof, to be that a majority of the qualified electors of said City voting on said Charter Amendment hereinafter set forth and designated as Proposition 1 had voted for and adopted said Amendment.

That the proposed amendment to the Charter of the City of Oakland, which was so ratified by a majority of the electors of said City, is in words and figures as follows:

Proposition 1

Amend Section 51(41a) of the Charter of the City of Oakland to read as follows:

Leases.

Sec. 51(41a). Notwithstanding any other provision of this Charter to the contrary, the City Council shall have the power to provide for the lease of any land now or hereafter owned or controlled by the City, and under the jurisdiction of the Council, for a term of not to exceed fifty years. All leases made by the Council shall be upon written competitive bids to the highest responsible bidder at the highest rent, after publication of notice thereof for five days, stating explicitly the time and conditions of the proposed lease. The Council may in its discretion reject any and all bids.

Amend Subsection (15) of Section 212 of the Charter of the City of Oakland to read as follows:

(15) To acquire in the name of the City of Oakland by purchase, condemnation, gift, lease, or otherwise take over and hold all lands, property, property rights, leases, or easements, and personal property of every kind, necessary or convenient for the development and operation of the port, or for the carrying out of the powers herein granted to the Board.

Whenever the Board determines that any lands owned by the City within its jurisdiction have become unnecessary for port purposes or harbor development, it may in its discretion transfer such lands to the control of the City Council, free from all restrictions, or it may sell or exchange such lands, by ordinance subject to the referendum provisions of this Charter.

Amend Subsection (17) of Section 212 of the Charter of the City of Oakland to read as follows:

(17) To enter into contracts, agreements, or stipulations (other than leases) germane to the scope of its powers and duties.

Amend Section 214 of the Charter of the City of Oakland to read as follows:

Leases.

Sec. 214. The Board shall have the power to make and enter into any lease of any properties belonging to or possessed by the City of Oakland under its jurisdiction for a term of not to exceed sixty-six years, provided that all leases made shall be subject to the referendum provisions of this Charter.

Add Subsection (12) to Section 223 of the Charter of the City of Oakland to read as follows:

Sec. 223(12). Notwithstanding any other provision of this Charter, including Sec. 223(11), to the contrary, any lease the Board is authorized to make shall be for a term of not to exceed sixty-six years.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Oakland with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 4th day of May, 1965.

(SEAL)

FELIX F. CHIALVO
Vice-Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

WHEREAS, The said proposed amendment as ratified as hereinabove set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said city as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as part of the Charter of the said City of Oakland.

CHAPTER 91

Assembly Concurrent Resolution No. 80—Relative to the retirement of Luther A. Nichols as executive vice president of the California Manufacturers Association.

[Filed with Secretary of State May 18, 1965.]

WHEREAS, Luther A. Nichols retired as executive vice president of the California Manufacturers Association on December 31, 1964, after serving for 13 years in that capacity; and

WHEREAS, Luther A. Nichols is a Californian, through and through, having been born in Pomona and graduated from the University of California whose colors he bore in athletic endeavors, and which institution he served as graduate manager and later as comptroller; and

WHEREAS, He came to the California Manufacturers Association after performing outstanding services in the development of a program to control water pollution which has proven beneficial to the public and industry; and

WHEREAS, Despite his duties he still found time to provide sound counsel to such organizations as the California Conference of Employer Associations, the California Employers Safety Committee, the Unemployment Insurance Committee, the Citizens Advisory Commission on the Public Education System and many others; and

WHEREAS, During his 13 years as executive vice president of the California Manufacturers Association, that organization prospered and grew in stature and has since become a pattern for similar organizations throughout the United States; and

WHEREAS, He has now reached that point in life where he plans to devote time to his family and personal interests, thereby freeing himself of the burdens of routine and responsibility; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature extend their best wishes and congratulations to Luther A. Nichols in recognition of his many years of service as president of the California Manufacturers Association, throughout most of which he was well known to the Members of the California Legislature, and wish him pleasure in his well-earned leisure; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Luther A. Nichols.

CHAPTER 92

Senate Concurrent Resolution No. 9—Relating to memorializing the Honorable Herbert Clark Hoover.

[Filed with Secretary of State May 18, 1965.]

WHEREAS, On October 20, 1964, the civilized world suffered a great loss in the death of Herbert Clark Hoover, 31st President of the United States, at the age of 90; and

WHEREAS, Herbert Clark Hoover was born in Iowa, the son of Quaker parents, his father a blacksmith and his mother a school teacher, both of whom died before he was nine years of age, whereupon he went to live with an uncle in Oregon, where he worked as an office boy and attended night school, entered Stanford University in 1891, again worked his way, and graduated in engineering in 1895; and

WHEREAS, Herbert Clark Hoover, after leaving college, served as a mine laborer in California and a mining engineer in Australia, becoming recognized as an authority in his field and amassing a considerable fortune at an early age; and

WHEREAS, At the beginning of World War I, Herbert Clark Hoover devoted himself to assisting those in distress in the war zone, gradually relinquishing his business activities and giving his time to relief agencies, and, encouraged and aided by his wife, contributing generously from his own funds to this end, and, at the request of the Belgian government, becoming the head of Belgian relief for ten million people in Belgium and France, and later becoming United States Food Administrator by appointment of President Woodrow Wilson; and

WHEREAS, Herbert Clark Hoover was appointed United States Secretary of Commerce in 1921, serving until 1928,

when he was elected President of the United States, in which office he distinguished himself by warning of the probability of just such a financial disaster as occurred in 1929, initiating measures to ameliorate the suffering of those in distress, and encouraging the initiation of public works to give employment to those who might otherwise be unemployed; and

WHEREAS, Herbert Clark Hoover was a man of unquestioned sincerity of purpose and fidelity of character, refusing to accept for his personal use the salary attached to his office as President of the United States, and earning for himself a reputation which led to the awarding of honorary degrees by 85 educational institutions, and unnumbered expressions of admiration and respect from people in all walks of life; and

WHEREAS, Herbert Clark Hoover was appointed by President Harry S. Truman in 1946 to coordinate food supplies in 38 countries, and in 1947 to study and report upon economic conditions in Austria and Germany, and then to act as chairman of two highly successful commissions on organization of the executive branch of the government; and

WHEREAS, Among other notable philanthropies, Herbert Clark Hoover founded the Hoover Institute and Library on War, Revolution and Peace at Stanford University, which has become a national and international center of documentation and research on problems of political, economic and social change; and

WHEREAS, Upon the death of this celebrated humanitarian, the President of the United States, Lyndon B. Johnson, said of him:

> "Among the rich products of his efforts have been . . . advancement of the cause of peace . . . strengthening of our bonds with other nations . . . enrichment of the lives of millions of human beings around the world, and a vital improvement of the operation of this government. His patriotism knew no partisanship.";

and

WHEREAS, The achievements and devotion of Herbert Clark Hoover present an example and an inspiration which may well influence the lives of all who become familiar with his generosity and consecration to worthy causes; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of this State desires by this resolution to give public acknowledgment to the noted achievements and high personal character of Herbert Clark Hoover, and to extend to bereaved members of his family its heartfelt sympathy; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send suitably prepared copies of this resolution to Herbert Hoover's sons, Herbert Clark Hoover, Jr., and Allan Henry Hoover, and to other relatives of the Honorable Herbert Clark Hoover.

CHAPTER 93

Senate Concurrent Resolution No. 26—Relative to a State Alameda Creek-Coyote Hills Aquatic Park.

[Filed with Secretary of State May 18, 1965.]

WHEREAS, The Congress of the United States has authorized the construction of the Alameda Creek flood control project and has appropriated funds for the preparation of plans and specifications for its construction; and

WHEREAS, The authorized project includes the construction of a channel and ponding areas in the vicinity of the Coyote Hills; and

WHEREAS, The construction of the Alameda Creek federal project is scheduled for commencement in the spring of 1965; and

WHEREAS, Said construction will offer an unparalleled opportunity for development of a park and recreation facility in conjunction with the flood control; and

WHEREAS, There is an expanding need for such recreational facilities in the San Francisco Bay area; and

WHEREAS, The Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, which was adopted by the people at the November, 1964, general election, makes a portion of the bond proceeds available, when appropriated by the Legislature, for the acquisition of real property for the state park system; and

WHEREAS, The bond act requires a review of proposed projects by the Resources Agency Administrator and that the Department of Parks and Recreation provide the administrator with a statement concerning the project, before the projects may be submitted to the Governor for inclusion in the Budget Bill; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Resources Agency Administrator is requested to review the proposal for the establishment of a State Alameda Creek-Coyote Hills Aquatic Park, the Department of Parks and Recreation is requested to make a study of the feasibility of establishing such a state park and to furnish the administrator with a statement regarding this matter, and the administrator and the department are requested to comply with the provisions of the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Resources Agency Administrator and the Director of Parks and Recreation.

CHAPTER 94

Assembly Concurrent Resolution No. 96—Approving amendments to the Charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the sixth day of April, 1965.

[Filed with Secretary of State May 18, 1965]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendments hereinafter set forth to the Charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

State of California)
County of Alameda) ss.

We, the undersigned, Wallace J. S. Johnson, Mayor of the City of Berkeley, State of California, and Edythe Campbell, City Clerk of said City, do hereby certify as follows:

That the City of Berkeley, a municipal corporation in the County of Alameda. State of California, now is and at all times herein mentioned, was a City containing a population of more than 3,500 inhabitants, and has been ever since the 1st day of July, 1909, and now is organized and existing and acting under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 30th day of January, 1909, and approved by the Legislature of the State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes 1909, p. 1208).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of Berkeley, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as "Charter Amendments" to amend the Charter of said City and to be voted upon by said qualified electors at the regular municipal election held in said City on the 6th day of April, 1965.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 10th day of February, 1965, in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of Berkeley; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City, on the 11th day of February, 1965, and on each day thereafter to and including the 5th day of April, 1965, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said City to and including the 6th day of April, 1965, the date fixed for said election.

That said regular municipal election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 6th day of April, 1965, which day was not less than forty (40) days, nor more than sixty (60) days after completion of the publication and advertisement of the aforementioned proposed Charter Amendments in the Berkeley Daily Gazette, the official newspaper of said City.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that the amendments to the Charter of the City of Berkeley hereinafter set forth were ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 40,517-N.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendments to the Charter of the City of Berkeley so ratified by the electors of said City are in the words and figures as follows, to-wit:

Charter Amendment No. 1

That Section 5 of Article III of the Charter of the City of Berkeley be amended by adding thereto a new subdivision (11) to read as follows:

Section 5. Nomination and Election of Certain Officers.

(11) Use of Voting Machines, Voting Devices or Vote Tabulating Devices.

If the use of voting machines, voting devices or vote tabulating devices at a municipal election is authorized by the City

Council, any of the provisions of this Section 5 may be modified by the City Council to the extent necessary to permit the use of such voting machines, voting devices or vote tabulating devices.

Charter Amendment No. 2

That Section 7 of Article IV of the Charter of the City of Berkeley be amended to read as follows:

Section 7. Recall.

(1) Persons Subject to Recall.

Every incumbent of an elective office, whether elected by popular vote or appointed to fill a vacancy, is subject to recall by the voters of the city. The procedure for recall shall be as provided in this Section 7.

(2) Commencement of Recall Proceedings.

Recall proceedings may be commenced by the service, filing and publication of a notice of intention to circulate a recall petition pursuant to subdivision (6) of this Section 7. Proceedings may not be commenced against the holder of an office unless, at the time of commencement, the holder has held office for at least six months and no recall petition has been filed against such holder within the preceding six months.

(3) Recall Petition.

A petition demanding the recall of an officer sought to be recalled shall be filed with the City Clerk. The petition shall be signed by not less than 25 percent of the registered electors of the city on the day the petition is filed with the City Clerk.

(4) Occurence of Vacancy after Filing Petition.

If a vacancy occurs in an office after a recall petition has been filed, the election shall nevertheless proceed as provided in this Section 7, except as provided in subdivision (20) hereof.

(5) Recall of More Than One Officer.

One election is sufficient for the recall of one or more officers, but a separate petition is necessary to propose the recall of each officer.

(6) Notice of Intention to Circulate Petition; Statement.

No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the officer sought to be recalled and the title of his office, a statement in not more than 500 words of the grounds on which the recall is sought, and the name and address of at least one proponent. The notice of intention shall be served, personally or by certified mail, on the officer sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the City Clerk.

(7) Answer to Statement of Proponents.

Within seven days after the filing of the notice of intention, the officer sought to be recalled may file with the City Clerk an answer in not more than 500 words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents

named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall effect the validity of the election or proceedings.

(8) Publication of Notice, Statement and Answer.

The notice, statement and answer, if any, shall be published by the proponents at least once in a newspaper of general circulation published in the city, or, if there be no such newspaper, then in a newspaper published in the county and of general circulation within the city. The provision of Section 68 of this Charter that posting shall be sufficient publication of any matter required by the Charter to be published shall not be applicable to the publication requirement of this subdivision (8) of Section 7.

(9) Circulation of Petition.

Seven days after the publication of the notice, statement and answer, if any, the recall petition may be circulated and signed. The petition shall bear a copy of the notice of intention, statement and answer, if any. If the officer has not answered, the petition shall so state. Signatures shall be secured and the petition filed within 75 days from the filing of the notice of intention.

(10) Signatures.

The signatures to the petition need not all be appended to one paper but may be in sections. Each signer shall add to his signature the date of his signing and his residence, giving street and number. If no street or number exist, then a designation of the place of residence shall be given which will enable the location to be readily ascertained. The petition, when filed, must have designated therein the name or number of the respective precinct in which each of the signers resides.

(11) Affidavit.

Each section of the petition shall have attached to it an affidavit made by a voter of the city. The affidavit shall be sworn to before an officer competent to administer oaths, and shall state that the affiant solicited signatures to that particular section and saw written the signatures appearing thereon. The affidavit shall also state that according to the best information and belief of the affiant:

(a) Each signature is the genuine signature of the person whose name it purports to be.

(b) The signer is a qualified voter of the city.

Any section of a petition may include a number of attached sheets.

(12) Clerk's Examination of Petition; Supplemental Petition.

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. Within 15 days from the date of filing the petition, the Clerk shall examine and from the records of registration ascertain whether or not the petition is signed by the requisite number of voters. He shall attach

to the petition his certificate showing the result of his examination. If the Clerk's certificate shows the petition is insufficient, a supplemental petition, in form a duplicate of the original petition, may be filed within 15 days of the date of the certificate of insufficiency.

(13) Insufficient Petition.

The Clerk shall, within 15 days after the supplemental petition is filed, examine it, and if his certificate shows that the petition is still insufficient, no action shall be taken thereon. The petition shall remain on file as a public record, and the failure to secure sufficient names shall not prejudice the filing later of an entirely new petition to the same effect.

(14) Submission to Council; Order for Election.

If the petition, together with supplementary petitions, if any, is sufficient, the Clerk shall submit it to the Council without delay. The Council shall at once order a special election to be held, not less than 60 nor more than 75 days after the date of the order, to determine whether the voters will recall the officer sought to be recalled. If a regular municipal election is to occur not more than 90 nor less than 60 days from the date of the order, the Council may order the special election to be held on the day of the regular election.

(15) Sample Ballot.

The Clerk shall mail to each voter, at least 10 days prior to the election, a sample ballot and a separate printed copy of the statement of the proponents and of the answer, if any, of the officer sought to be recalled. If the recall of more than one officer is sought, the statement and answer for each shall be printed together and shall be clearly distinguished from those for any other officer. The provisions of Section 6½ of Article III of the Charter shall be applicable in recall proceedings and elections, and the officer sought to be recalled as well as the candidate or candidates nominated to succeed him may file the candidate's statement provided for therein. The candidate's statement of the officer sought to be recalled shall be filed not later than the last day upon which nomination papers may be filed

(16) Form of Recall Question.

There shall be printed on the recall ballot, as to each officer whose recall is to be voted on, the following question: "Shall (name of person) be recalled from the office of (title of the office)?" Following which question shall be the words "yes" and "no" on separate lines, with a voting square at the right of each, in which the voter shall indicate in the manner prescribed his vote for or against the recall.

(17) Ballot; Nominees; Counting Votes.

On the recall ballots, under each question, there shall be printed the names of those persons who have been nominated, in the manner provided by this Charter for nominations at municipal elections, as candidates to succeed the incumbent if he is recalled from office by the recall election No vote cast shall be counted for any candidate for the office unless

the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

(18) Canvass of Votes.

The City Council shall meet at its usual place of meeting on the first Tuesday after the election to canvass the returns and declare the results as in a regular election. If a majority of those voting at the election voted in favor of the recall of any incumbent from office, the incumbent shall be deemed removed from office upon the qualification of his successor.

If all of the members of the City Council or Board of Education are recalled, and no candidates are elected to succeed them, the recall shall fail and the incumbents shall remain in office.

If all or part of the members of the City Council or Board of Education are recalled and not enough candidates are elected to provide a quorum, the appointment of persons to bring the membership up to a quorum shall be by the remaining members of the City Council or Board of Education, as the case may be, after which the quorum shall fill the remaining vacancies by appointment If there are any unfilled vacancies remaining 30 days after the recall election, and more than 75 days will elapse before the next general municipal election will be held, the City Council shall immediately cause an election to be held to fill the vacancies.

A person appointed to office under this section shall hold office for the remainder of the unexpired term of the recalled officer whose position he is appointed to fill.

(19) Declaration of Election of Candidate; Failure to Qualify; Filling Vacancy.

If the vote recalls the officer, the candidate who has received the highest number of votes for the office shall be declared elected for the unexpired term of the former incumbent. If the person who received the highest number of votes fails to qualify within 10 days after the declaration of his election, the office shall become vacant and shall be filled according to law.

(20) Death or Resignation of Officer Sought to be Recalled.

If the officer sought to be recalled dies more than 40 days prior to the election, the period for filing nomination papers to succeed the officer shall be extended to the 25th day prior to the election.

If the officer sought to be recalled resigns prior to the election, and at the close of the period for filing nomination papers only one person has been nominated for the office or no person has been nominated for the office, an election shall not be held. In such case the City Council or Board of Education, as the case may be, shall appoint to the office the person nominated, or, if no person has been nominated, shall appoint any qualified person.

(21) Disqualification from Office.

A person who has been recalled, or who has resigned from office while recall proceedings were pending against him, shall not be a candidate for nor appointed to such office within one year after his resignation or recall.

(22) Further Regulations.

The City Council may, by resolution, make such further regulations as may be necessary to carry out the provisions of this Section.

Charter Amendment No. 3

That Section 17 of Article V of the Charter of the City of Berkeley be amended to read as follows:

Section 17. Bonds.

The Mayor, the Auditor, each Councilman and each School Director shall, before entering upon the duties of his office, be covered by an official bond with a surety company as sole surety.

The Council shall, by ordinance, fix the form, conditions, terms and amounts of the official bond or bonds of all officers and employees of the City, who are required by this Charter or by ordinance to be covered by such bond or bonds.

A blanket or master official bond, or other form of blanket or master bond may be used which shall provide coverage on more than one officer or employee.

All bonds shall be approved by the City Attorney as to form and shall be filed with the City Clerk.

The premium on any official bond or bonds providing coverage for any officer or officers or employee or employees and executed by a corporate surety shall be paid by the City.

Charter Amendment No. 4

That Section 19 of Article V of the Charter of the City of Berkeley be amended to read as follows:

Section 19. Salaries.

The Councilmen shall receive remuneration for the performance of their official duties at the rate of $75.00 per month, and the Mayor shall receive $150 00 per month. If the Mayor or any member of the Council is absent from one or more regular meetings of the council during any calendar month, unless excused by the Council in order to attend to official business of the City, he shall be paid only one-fourth of the monthly remuneration for each regular meeting of the Council which he attended during such month.

The Auditor shall receive such salary as may be fixed by the Council; provided, however, that said salary shall not be less than $3,600.00 per annum.

Each School Director shall receive a fee of $5.00 for each regular meeting of the Board of Education which he shall attend; provided, however, that no School Director shall receive more than $15.00 in any one month.

Charter Amendment No. 5

That Section 24 of Article VI of the Charter of the City of Berkeley be amended to read as follows:

Section 24. Mayor to Have City's Books Examined.

The Mayor shall employ, for a stipulated compensation, at the beginning of each fiscal year, a certified public accountant, who shall examine, at least once during the year, the books, records and reports of the Auditor and of all officers and employees who receive or disburse City moneys, and the books, records and reports of such other officers and departments as the Mayor may direct, and annually, after the close of each fiscal year, make a report of such examination. Such report shall be presented to the Mayor and copies thereof shall be filed with the Auditor, City Manager and City Clerk. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers, clerks and employees of the City, and every such officer, clerk and employee shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure to do so shall be deemed and held to be a forfeiture and abandonment of his office. The Council shall provide for the payment of the services of such accountant.

Charter Amendment No. 6

That Section 30 of Article VII of the Charter of the City of Berkeley be amended to read as follows:

Section 30. The Chief Officers

The chief officers of the City shall be Attorney, Director of Public Works, Chief of Police, Fire Chief, Director of Public Health, Director of Finance, Director of Planning, Director of Personnel, Director of Recreation and Parks, Director of Services, Director of Inspection Services and Librarian.

The Council shall by ordinance prescribe the duties of all the chief officers. The City Manager at any time when in his judgment the interests of the City so demand, may consolidate and place in charge of one such officer, the functions and duties of two or more such officers.

Five Library Trustees shall be appointed and may be removed by a majority vote of the Council and one of such trustees must be appointed by the Council from its own members. The Board of Library Trustees shall have power to manage the library and to appoint, discipline and dismiss all officers and employees of the library.

Charter Amendment No. 7

That Section 36 of Article VII of the Charter of the City of Berkeley be amended to read as follows:

Section 36. Officers not to be Interested in Contracts or Franchises.

No officer or employee shall be directly or indirectly interested in any contract, work or business of the City, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the City or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the City. No officer shall be in the employ of any public service corporation in the City or of any person having any contract with the City or of any grantee of a franchise granted by the City.

Provided, however, the prohibitions in this section contained shall not apply to the following:

(a) Members of advisory boards, commissions or committees of the City who serve without salary or other compensation; provided, members of the Board of Library Trustees, the Board of Adjustments, the Housing Advisory and Appeals Board, and other Boards, Commissions or Committees which perform functions other than advisory functions shall not be included within this exception.

(b) Officers or employees of the State of California or of any department, division, or constitutionally created agency thereof.

Any contract or agreement made in contravention of this Section shall be void.

Any violation of the provisions of this Section shall be deemed a misdemeanor.

The Council shall enforce the provisions of this Section by appropriate legislation.

Charter Amendment No. 8

That Section 37 of Article VII of the Charter of the City of Berkeley be amended to read as follows:

Section 37. Non-discrimination

No appointment to position under the City Government shall be made or be withheld by reason of any religious or political opinions or affiliations or political services, or by reason of race, color, national origin or ancestry, and no appointment to or selection for or removal from any office or employment, and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinions, affiliations or services, or by race, color, national origin or ancestry.

Charter Amendment No. 9

That Subdivision (58) of Section 49 of Article IX be repealed, and that Subdivisions (56), (59) and (60) of Section 49 of Article IX of the Charter of the City of Berkeley be amended to read as follows:

Section 49(56). Personnel Board.

To establish a Personnel Board and to appoint the members thereof to serve without compensation, to administer a personnel system under rules and regulations to be made by the Council. Such Board shall, among other things, provide for the classification of all employments in the administrative service of the City not excepted by the provisions of this Charter, by the Council or by the people, for open, competitive and free examinations as to fitness, for an eligible list from which vacancies shall be filled, for a period of probation before employment is made permanent, and for promotion on the basis of merit, experience and record.

Section 49(59). Recreation Commission.

To establish a Recreation Commission and to appoint Commissioners thereon to serve without compensation, with such powers and duties as may be fixed by the Council.

Section 49(60). Human Relations and Welfare Commission.

To establish a Human Relations and Welfare Commission and to appoint Commissioners thereon to serve without compensation, with such powers and duties as may be fixed by the Council.

Charter Amendment No. 10

That Section 52 of Article X of the Charter of the City of Berkeley be amended to read as follows:

Section 52. Department Estimates of Annual Requirements.

On such date in each year as shall be fixed by the City Manager, the heads of departments, offices, boards and commissions, shall send to the City Manager a careful estimate, in writing, of the amounts, specifying in detail the objects thereof, required for the business and proper conduct of their respective departments, offices, boards and commissions, during the next ensuing fiscal year.

Charter Amendment No. 11

That Section 59 of Article X of the Charter of the City of Berkeley be amended to read as follows:

Section 59. Cash Basis Fund.

The Council shall create and maintain a permanent revolving fund, to be known as the Cash Basis Fund, for the purpose of putting the payment of the running expenses of the City on a cash basis. For this purpose the Council shall provide that there shall be maintained in the Cash Basis Fund an amount which, when combined with other available funds, will be sufficient to meet all legal demands against the treasury.

The Council shall have power to transfer from the Cash Basis Fund to any other fund or funds such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis. It shall be the duty of the Council to provide that all money so transferred

from the Cash Basis Fund be returned thereto before the end of the fiscal year.

Charter Amendment No. 12

That Section 64 of Article X of the Charter of the City of Berkeley be amended to read as follows:

Section 64. Uniform Accounts and Reports.

The Council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the City which receive or disburse moneys.

Charter Amendment No. 13

That Sections 67 and 67.5 of Article XI of the Charter of the City of Berkeley be amended to read as follows:

Section 67. Expenditures in Excess of $3,000.00.

Each specific improvement and each purchase of supplies, equipment or materials the expenditure for which exceeds the sum of Three Thousand Dollars ($3.000.00) shall be done by contract authorized by resolution of the Council and said contract shall be let to the lowest responsible bidder after advertising for sealed proposals for five (5) consecutive days as required by this Charter. Such notice shall give a brief description of the work to be done or the supplies, equipment or materials to be purchased. The Council may reject any and all bids. If all bids are so rejected or if no bids are received, the Council may readvertise for new bids, or authorize the City Manager to negotiate in the open market for a contract at a reasonable price, or authorize the City Manager to purchase in the open market, or authorize the City Manager to have the work performed by City employees.

Section 67.5. Other Expenditures in Excess of $3,000.00.

Any action providing for the expenditure of public money the amount of which exceeds the sum of Three Thousand Dollars ($3,000.00), except such as is provided for in Sections 67, 67.1, 67.2, 67.3 or 67.4 hereinabove, shall be authorized by resolution of the Council or shall be done by contract authorized by resolution of the Council.

Charter Amendment No. 14

That Sections 102, 103, 104, 105 and 106 of Article XV of the Charter of the City of Berkeley be repealed.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Berkeley with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Berkeley to be affixed hereto, this 19 day of April, 1965.

(SEAL)

WALLACE J. S. JOHNSON
Mayor of the City of Berkeley
EDYTHE CAMPBELL
City Clerk of the City of Berkeley

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Berkeley, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Berkeley.

CHAPTER 95

Senate Concurrent Resolution No. 78—Approving certain amendments to the Charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of the city at a special municipal charter amendment election held therein on the 13th day of April, 1965.

[Filed with Secretary of State May 20, 1965.]

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

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SANTA CRUZ OF CERTAIN CHARTER AMENDMENTS

State of California
County of Santa Cruz } ss.
City of Santa Cruz

We, the undersigned, Norman A. Walters, Mayor of the City of Santa Cruz, and A. J. Miller, City Clerk of the City of Santa Cruz, do hereby certify and declare as follows:

That the City of Santa Cruz, County of Santa Cruz, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1948 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 2nd day of March, 1948, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of March, 1948 (Statutes of 1948, page 312).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Santa Cruz, being the legislative body of said city, on its own motion, by its Resolution No. NS-7797, adopted on February 9, 1965, duly and regularly proposed and submitted to the qualified electors of said City certain proposals for the amendment of the Charter of said City, to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Resolution No. NS-7797 with the general municipal election held in said City on April 13, 1965.

That said proposed amendments were published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 16th day of February, 1965, in the Santa Cruz Sentinel, the official newspaper of said City of Santa Cruz, a newspaper of general circulation printed and published in said City of Santa Cruz, and in each edition thereof during said day of publication.

That said general municipal election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 13th day of April, 1965, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said Santa Cruz Sentinel.

That a majority of the qualified voters voting on each of said proposals, numbered Proposal No. 1 through Proposal No. 12, voted in favor of the ratification of and did ratify said proposals to amend said charter of said City of Santa Cruz.

That the Council of said City of Santa Cruz on April 20, 1965, officially confirmed the canvass of all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and

did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendments voted in favor thereof and that said charter amendments were ratified.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in words and figures following, to wit:

Proposal No. 1:

By amending Section 602 of Article VI thereof, to read as follows:

"Section 602. Qualifications. No person shall be eligible to be nominated for or to hold office as a member of the Council unless he is a registered voter of the municipality, and shall have been for at least three (3) years next preceding his election or appointment, a resident of the City of Santa Cruz or of territory annexed thereto."

Proposal No. 2:

By amending Sections 608, 612 and 613 of Article VI thereof, to read as follows:

"Section 608. Ordinances. The enacting clause of every ordinance shall be: "Be it ordained by the City of Santa Cruz as follows:" No ordinance, except an emergency ordinance, or an ordinance which takes effect upon adoption referred to in this article, shall be finally adopted by the Council on the day of its introduction, nor within five (5) days thereafter, nor at any time other than a regular meeting, nor until its publication as required in this Charter. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular meeting held not less than five (5) days after the date upon which said ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence."

"Section 612. Emergency Ordinances. Any ordinance declared by the City Council to be necessary as an emergency measure for preserving the public peace, health, safety or property, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five (5) affirmative votes."

"Section 613. Publication of Ordinances. The City Clerk shall cause each proposed ordinance, other than an emergency ordinance or an ordinance which takes effect upon adoption, to be published at least once in the official newspaper at least three (3) days before its adoption; or, as an alternative method of publication, the Council may order copies of any proposed ordinance to be posted at least three (3) days prior to its adoption in three (3) prominent places in the City, and cause a single publication in the official newspaper of a notice setting forth the title of the ordinance, a short statement of its con-

tent, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

The City Clerk shall cause each emergency ordinance or ordinance which takes effect upon adoption to be published at least once in the official newspaper within 15 days after its adoption."

Proposal No. 3:

By repealing Article IX thereof, which article now reads as follows:

"ARTICLE IX
Police Court

"Section 901. Police Court. The judicial power of the City shall be vested in a Police Court as heretofor established. The Police Court shall have jurisdiction concurrently with the Justice's Court of Class B in all criminal actions arising within the corporate limits of this City and which might be tried in such Justice's Court. The Police Court shall have no civil jurisdiction.

Section 902. Procedure. The rules of practice and mode of proceeding in the Police Court shall be the same as are or may be prescribed by law for Justices' Courts having like jurisdiction and in like cases; an appeal may be taken to the Superior Court of the State of California in and for the County of Santa Cruz from all judgments of said Police Court, in like manner and with like effect as in cases of appeals from Justices' Courts of like jurisdiction.

Section 903. Police Judge. The Police Judge shall be appointed as herein elsewhere provided; he shall be Judge of the Police Court. He shall be a qualified elector of the City of Santa Cruz at the time of his appointment and shall be an attorney at law admitted to practice in the Supreme Court of the State of California. His term of office shall be four years from his appointment."

and by adding a new Article IX, to read as follows:

"ARTICLE IX
Transfer of City Functions

Section 901. Transfer or Consolidation of Functions. The Council may transfer or consolidate functions of the City government to or with appropriate functions of the State or County government, or may make use of such functions of the State or County government, and in case of any such transfer or consolidation the provisions of the Charter providing for the function of the City government so transferred or consolidated shall be deemed suspended during the continuance of such transfer or consolidation to the extent that such suspension is made necessary or convenient and is set forth in the ordinance or resolution establishing such transfer or consoli-

dation. Any such transfer or consolidation may be repealed in like manner."

Proposal No. 4:

By amending Section 1021 of Article X thereof, to read as follows:

"Section 1021. Library Board. There shall be a Library Board consisting of five (5) members to be appointed by the City Council from the qualified electors of the City; provided, however, that should the County of Santa Cruz consolidate its library functions with the City, and during such time as a Consolidated Library System is administered by the City, the Library Board shall consist of seven (7) members, four (4) of whom shall be appointed by the Council from the qualified electors of the City, and three (3) of whom shall be appointed by the Council from the qualified electors of the County of Santa Cruz, with the approval of the Board of Supervisors of the County of Santa Cruz. No member of said Board shall hold any paid office or employment in the City or County government."

Proposal No. 5:

By amending Section 1031 of Article X thereof, to read as follows:

"Section 1031. Civil Service Commission. There shall be a Civil Service Commission consisting of five (5) members to be appointed by the City Council from the qualified electors of the City. To be eligible for appointment, an appointee shall neither hold City office or employment, nor be a candidate for any other City office or position, and shall not be an officer of any local, state or national partisan political club or organization."

Proposal No. 6:

By repealing Section 1203 of Article XII thereof, which Section now reads as follows:

"Section 1203. Excepted Officers and Employees. The City Manager and any Assistant City Manager, the City Attorney and any Assistant or Deputy City Attorney, Police Judge, Auditorium Manager, Health Officer, if any, and all elected officers and members of boards or commissions, the leader and members of any municipal band or orchestra shall, so far as permitted by the State Retirement System for City officers and employees, be excluded from said employees' retirement system and shall not be eligible for benefits thereof."

Proposal No. 7:

By repealing Section 1404 of Article XIV thereof, which section now reads as follows:

"Section 1404. Board of Equalization. The Council shall meet at its usual meeting place on the second Monday in August of each year at ten o'clock A.M., as a Board of Equaliza-

tion, and shall continue in session by adjournment from day to day until all returns of the Assessor have been rectified and all assessments equalized. The Board of Equalization shall have power to hear complaints, to take testimony under oath, and to correct, modify, strike out, lower or raise any assessment, provided, that at least one day's notice shall be given to any party whose assessment is proposed to be raised, excepting in case of a uniform increase in assessed value of all property in the entire City. The City Clerk shall act as Secretary of such Board, and it shall be his duty to keep permanent records of all proceedings and to enter therein all resolutions and decisions of the Board."

Proposal No. 8:

By amending Section 1409 of Article XIV thereof, to read as follows:

"Section 1409. Disbursement of City Money. Money shall be drawn from the Treasury only on warrants, as hereinafter prescribed, signed by such officer or officers as the Council may designate. The Director of Finance shall examine all payrolls, bills, invoices, demands or other charges against the City, and shall issue no warrant for payment unless the claim, demand or charge is in proper form, correctly computed, and approved, is legally due and payable, and appropriation has been made therefor which has not been exhausted, and unless there is sufficient money in the Treasury to make payment. Warrants drawn in payment of demands or charges conforming to budget appropriations shall be approved by the City Manager prior to payment; all other claims, demands or charges shall require the approval of the Council prior to payment."

Proposal No. 9:

By amending Section 1415 of Article XIV thereof, to read as follows:

"Section 1415. Contracts for Public Works. Any public works or improvement costing more than $3,000 shall be executed by contract, except where a specific work or improvement is authorized by the Council to be performed directly by a City department or officer in conformity with detailed plans, specifications and estimates. All such contracts for more than $3,000 shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance or resolution, provided the Council or the City Manager, when so authorized, shall have power to reject all bids and may readvertise in its discretion. All advertisements as to such contracts shall so provide. All contracts entered into by the City shall be signed by the City Manager or other officer or officers as the Council may by ordinance or resolution prescribe."

Proposal No. 10:

By adding Section 1418 to Article XIV thereof, to read as follows:

"Section 1418. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent (15%) of the total assessed valuation for purposes of City taxation, of all the real and personal property within the City, exclusive of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending or maintaining municipal utilities for which purpose a further indebtedness may be incurred by the issuance of bonds, subject only to the provisions of the State Constitution and of this Charter."

Proposal No. 11:

By amending Section 1501 of Article XV thereof, and by renumbering said Section as Section 1428 of Article XIV thereof, to read as follows:

"Section 1428. City Property. The rights of the City in and to the waterfront and tidelands vested in it in fee or in trust, are inalienable, unless authorized by the affirmative vote of the majority of the qualified electors of the City of Santa Cruz. Other City property in use for a public purpose shall be inalienable unless authorized by the affirmative vote of a majority of the qualified electors of the City of Santa Cruz, except such other property as may be determined by the affirmative vote of five (5) members of the Council to be no longer necessary for public purposes."

Proposal No. 12:

By amending Section 1502 of Article XV thereof, and by renumbering said Section as Section 1429 of Article XIV thereof, to read as follows:

"Section 1429. Water System Inalienability. The Council shall never sell, lease, assign, convey, mortgage, or hypothecate the water system, or any part thereof, or the rents or income therefrom, unless authorized so to do by majority vote of the qualified electors of the City of Santa Cruz; provided, however, that property determined by the affirmative vote of five (5) members of the Council to be surplus, and not necessary as a part of the operating water system, may be disposed of."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Santa Cruz with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Santa Cruz to be affixed hereto this 26th day of April, 1965.

(SEAL)

NORMAN A. WALTERS
Mayor of the City of Santa Cruz
A. J. MILLER
City Clerk of the City of Santa Cruz

and

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, that a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Santa Cruz, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without alteration or amendment, for and as amendments to and as part of the Charter of said City of Santa Cruz.

CHAPTER 96

Assembly Concurrent Resolution No. 112—Approving a charter amendment to the Charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 13th day of April, 1965.

[Filed with Secretary of State May 20, 1965]

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

CERTIFICATE OF RATIFICATION OF AMENDMENT TO THE CHARTER OF THE CITY OF FRESNO

State of California }
County of Fresno } ss
City of Fresno }

We, Floyd H. Hyde, Mayor of the City of Fresno, and D. E. Roughton, City Clerk of the City of Fresno do hereby certify and declare as follows:

That the City of Fresno, in the County of Fresno, State of California is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That the City of Fresno is now, and was at all of the times herein mentioned, organized and existing under a charter adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of the City at a general municipal election held for that purpose on the 8th day of April, 1957, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 10th day of June, 1957 (Assembly Concurrent Resolution No. 163, Chapter 277, Statutes 1957, Page 4680).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the Council of the City of Fresno, being the legislative body of the City, on its own motion, by Resolution No. 8398 adopted on the 25th day of February, 1965. duly and regularly submitted to the electors of the City a proposal for the amendment of the charter of the City which was designated as "Measure A—Charter Amendment—Changing Date of General Municipal Elections," and the Council ordered that the proposed charter amendment be submitted to the electors of the City at the general municipal election to be held in the City on the 13th day of April, 1965.

That on the 3rd day of March, 1965, the proposed charter amendment was published and advertised in accordance with Section 8, Article XI of the Constitution, in the Fresno Bee—The Republican, a newspaper of general circulation within the City, and in each edition thereof during the day of publication.

That copies of the proposed charter amendment were printed in convenient pamphlet form in type not less than 10-point, and were mailed to each of the qualified electors of the City; that copies thereof could be had upon application therefor at the office of the City Clerk on and from March 4, 1965, to and including April 13, 1965; and that a notice was advertised and published on and from March 4, 1965, until April 13, 1965, in the Fresno Bee—The Republican, a newspaper of general circulation within the City, that copies thereof might be had at the office of the City Clerk of the City upon application therefor.

That pursuant to the provisions of Section 1400 of the charter of the City of Fresno a general municipal election was required to be held in the City of Fresno on the 13th day of April, 1965, which date was not less than forty (40) days, and not more than sixty (60) days, after the completion of the publication of the proposed charter amendment as aforesaid.

That the said general municipal election was held in the City of Fresno on the 13th day of April, 1965.

That thereafter the Council of the City of Fresno did, in the manner provided by law, duly and regularly cause to be canvassed the returns of the said general municipal election and did, by resolution adopted on April 20, 1965, duly declare the results of the said general municipal election as determined from the canvass of the returns thereof.

That the aid proposed charter amendment so submitted by the Council of the City of Fresno and so ratified by the qualified voters of the City of Fresno is in words and figures as follows:

"That Section 1400 of the charter of the City of Fresno be amended to read:

Section 1400. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the third Tuesday in April in each odd numbered year commencing with the year 1967."

We, and each of us, further certify that we have compared the text of the foregoing charter amendment with the original proposal submitting the same to the electors of the City, and find that the foregoing is a full, true, correct and exact copy thereof; and that as to said charter amendment this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Fresno to be affixed hereto, this 20th day of April, 1965.

(SEAL)

FLOYD H. HYDE
Mayor of the City of Fresno
D. E. ROUGHTON
City Clerk of the City of Fresno

Approved as to form:
ROBERT H. BAIDA
City Attorney of the City of Fresno
Date: April 20, 1965.

RESOLUTION No. 8443

RESOLUTION AUTHORIZING EXECUTION OF CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF FRESNO.

Whereas, the Council has declared by resolution duly adopted this day, that the proposed charter amendment designated as Measure A and voted upon by the qualified voters of the City of Fresno at the general municipal election held on April 13, 1965, is deemed ratified, and

Whereas, there has been presented to the Council a Certificate of Ratification of Amendment to the Charter of the City of Fresno, certifying to the ratification of said charter amendment and to the compliance with all of the proceedings re-

quired by the provisions of Section 8, Article XI of the Constitution of the State of California for the submission of said proposed charter to the electors at said election,

It is resolved that the Mayor and the City Clerk of the City of Fresno are authorized and directed to execute said Certificate of Ratification of Amendment to the Charter of the City of Fresno, and to cause the same to be presented, when duly executed, to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California.

Clerk's Certification

State of California
County of Fresno
City of Fresno

I, D. E. Roughton, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 20 day of April, 1965.

D. E. ROUGHTON
City Clerk
By D. E. ROUGHTON

(SEAL)

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Fresno, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Fresno.

CHAPTER 97

Assembly Concurrent Resolution No. 119—Approving an amendment to the Charter of the County of San Mateo, State of California, ratified by the qualified electors of the county at a special election held therein on the 20th day of April, 1965.

[Filed with Secretary of State May 24, 1965]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of

the County of San Mateo, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and the clerk of the board of supervisors of the county, as follows:

State of California }
County of San Mateo } ss.

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF A CERTAIN AMENDMENT TO THE CHARTER OF SAID COUNTY OF SAN MATEO, SUBMITTED TO THE QUALIFIED ELECTORS OF SAID COUNTY OF SAN MATEO ON TUESDAY, THE 20TH DAY OF APRIL, 1965.

Be it known that:

Whereas, the County of San Mateo, State of California, has been at all times herein mentioned, and now is, a body politic, a corporate, and a political subdivision of the State of California, and is now and has been, since the twenty-eighth day of January, 1933, organized and acting under and by virtue of a freeholder's charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at an election held for that purpose on the eighth day of November, 1932, and approved by the Legislature of the State of California in the Fiftieth Session thereof, and filed in the office of the Secretary of State on the twenty-eighth day of January, 1933; and

Whereas, the Board of Supervisors of said County, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did, by Resolution No. 20845, adopted February 2, 1965, duly propose to the qualified electors of said county, designated in said resolution and order as proposed county Charter amendments lettered A and B, and ordered that said amendments be submitted to the qualified electors of said county at a special election, to be held in said county on Tuesday, the 20th day of April, 1965, which date was fixed in said resolution as the day for holding said general election; and

Whereas, the Board of Supervisors of said County, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did by Ordinance No. 1690, adopted March 2, 1965, establish the election precincts for said special county election, designate the polling places for said special county election, and designate the election officers for said special county election; and

Whereas, said special county election was consolidated with the general consolidated elections conducted in the various school districts throughout the County of San Mateo on said date for the election of governing board members of said school districts, and with the general election conducted throughout said County on said date for the election of members of the County Board of Education of said County in the manner provided by law and in accordance with said Resolution No. 20845 and said Ordinance No. 1690 above mentioned; and

Whereas, said proposed charter amendments lettered A and B, were published for ten times in the Redwood City Tribune, a daily newspaper of general circulation, printed, published and circulated in said County, to-wit: on March 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, 1965; and

Whereas, said Ordinance No. 1690 was published for five times in the Redwood City Tribune, a daily newspaper of general circulation, printed, published and circulated in said County, to-wit: on March 15, 16, 17, 18, and 19, 1965; and

Whereas, said special election, at which said proposed amendments were submitted to the qualified electors of said county, was not less than 30 nor more than 60 days after publication of said proposed amendments, as aforesaid; and

Whereas, a copy of the proposed charter amendment propositions, and a sample ballot containing said propositions, was mailed to every qualified elector in said County of San Mateo; and

Whereas, said special election was held in said County of San Mateo on Tuesday, the 20th day of April, 1965, which said day was not less than 30 days nor more than 60 days after said proposed amendments to said charter had been published for 10 times in said Redwood City Tribune; and

Whereas, thereafter the County Clerk and ex-officio Clerk of the Board of Supervisors of said County of San Mateo did, in the manner provided by law, duly and regularly canvass the returns of said election, and the said Board of Supervisors of said County, on the 27th day of April, 1965, did duly declare the results of said special election as determined from the canvass of the returns thereof; and

Whereas, at said special election held on the said Tuesday, the 20th day of April, 1965, 33,088 votes were cast in favor of said proposed charter amendment lettered A and 19,325 votes were cast against said proposed charter amendment lettered A; 26,592 votes were cast in favor of said proposed charter amendment lettered B and 27,026 votes were cast against said proposed charter amendment lettered B; and

Whereas, said proposed charter amendment lettered A was ratified by a majority of the electors of said county voting thereon, to-wit: Proposition A; and

Whereas, said Proposition A appeared on the official ballot and on the voting machine as follows:

Shall the Charter of the County of San Mateo be amended by repealing Section 8 of Article VI of said Charter providing for the manner and method of appointment and removal of the probation officers and the members of the Probation Committee as provided by general law and by amending Section 4 of Article XIV of said Charter specifying the offices, positions and employments in the classified service by including therein Probation Officers in the office of the Superior Court, other than the Chief Probation Officer and one person holding a confidential position to such Chief Probation Officer, and shall present employees of the Probation Department be included in the classified service without examination?; and

Whereas, said charter amendment lettered A so ratified by the electors of said County of San Mateo is now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to-wit:

Proposition A

That Section 8 of Article VI of the County Charter providing for the manner and method of appointment and removal of the probation officers and the members of the Probation Committee as provided by general law be repealed.

That Section 4 of Article XIV of the County Charter specifying the offices, positions and employments in the classified service be amended by amending paragraph 8 to include in the classified service Probation Officers in the office of the Superior Court, other than the Chief Probation Officer and one person holding a confidential position to such Chief Probation Officer. Paragraph 8 shall read as follows·

8. The Chief Probation Officer in the office of the Superior Court and one person holding a confidential position to such Chief Probation Officer.

That Section 7 of Article XIV of the Charter specifying the manner in which present employees of the unclassified service shall become members of the classified service shall be amended to read as follows.

Section 7. Any person whose position becomes a part of the classified service by charter amendment shall be deemed to be a permanent employee if he has been employed in the position for a period of six (6) months immediately preceding the effective date of the amendment

Any person who has been employed for a period of three (3) months immediately preceding the effective date of a charter amendment making his position a part of the classified service, but who has not been so employed for a sufficient period to assume the status of permanent employee, shall be considered as a probationary employee and at the end of one year of con-

tinuous service shall be deemed a permanent employee without examination.

State of California }
County of San Mateo } ss:

We, the undersigned, W. M. Werder, Chairman of the Board of Supervisors of the County of San Mateo, State of California, and John A. Bruning, County Clerk and ex-officio Clerk of the Board of Supervisors of said County of San Mateo, do hereby certify:

That the foregoing proposed and ratified amendment to the charter of said County of San Mateo, submitted to the electors of said County at a special election held in said county on said Tuesday, the 20th day of April, 1965, has been compared by us, and each of us, with the proposed amendment lettered A set forth in the resolution adopted by said Board of Supervisors, as hereinabove set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of San Mateo this 29th day of April, 1965.

W. M. WERDER
(SEAL) Chairman
Board of Supervisors of the County of San Mateo, State of California.
JOHN A. BRUNING
County Clerk and ex-officio Clerk of the Board of Supervisors of the County of San Mateo, State of California.

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the County of San Mateo, as presented to and adopted and ratified by the electors of the county, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as a part of, the Charter of the County of San Mateo.

CHAPTER 98

Assembly Concurrent Resolution No. 57—Relative to the Cedar Creek Hatchery property.

[Filed with Secretary of State May 21, 1965.]

WHEREAS, The Cedar Creek Hatchery, located in Mendocino County, and the property surrounding it was inundated by the recent floods which ravaged the northern part of the state; and

WHEREAS, There is a need to provide public access to the Eel River and Cedar Creek; and

WHEREAS, The development of Cedar Creek Hatchery property to provide such public access would result in savings to the people of the state, since the property is already owned by the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That if it is found to be not feasible to rehabilitate the area as a fish hatchery, then it is the policy of the Legislature that such property shall be kept in state ownership and used to provide public access to the Eel River and to Cedar Creek.

CHAPTER 99

Senate Concurrent Resolution No. 30—Relative to a résumé of Vehicle Code changes, relating to the operation of vehicles and use of the highways.

[Filed with Secretary of State May 24, 1965.]

WHEREAS, An active program directed toward the reduction of traffic deaths and injuries in the State of California is essential to the welfare of the people; and

WHEREAS, The California Association of Highway Patrolmen has recommended as a part of this program that the motoring public be informed of changes in the California Vehicle Code through a résumé to be distributed with the registration card issued to the owner of each registered vehicle; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Motor Vehicles is requested to prepare, within a reasonable period after the adjournment of each general session, and enclose with vehicle registration material, a digest of the most important new state traffic laws enacted at that session; and be it further

Resolved, That in preparing such digest, the department shall exercise good judgment and discretion in the inclusion of the names of the director and the agency administrator and

shall not use photographs of, or statements by, any public officials; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of Motor Vehicles.

CHAPTER 100

Senate Concurrent Resolution No. 54—Relative to congratulating Paul L. Davies on being named California Manufacturer of the Year—1964.

[Filed with Secretary of State May 25, 1965.]

WHEREAS, Paul L. Davies, Chairman of the Board of FMC Corporation, San Jose, has displayed much more than the usual amount of leadership qualities in an activity noted for producing outstanding men and thereby earning for himself one of the highest accolades of his industry; and

WHEREAS, Under his able direction this widely diversified California based manufacturing activity has continued to prosper and grow to a point where it is now numbered among the nation's top 100 industrial organizations; and

WHEREAS, Throughout all this time the steady reliance on California sources of supply has contributed immeasurably to the growth of dozens of smaller companies located in every section of the state and thereby continually adding to the economic well-being of all; and

WHEREAS, His knowledge and understanding of the problems of all segments of industry have enabled him through an unparalleled demonstration of cooperation to develop products that have won worldwide acceptance; and

WHEREAS, California continues to remain as the base for this industrial complex operating 108 manufacturing plants in 32 states and 13 foreign countries; and

WHEREAS, While he was moulding one of the world's industrial giants, he always found time to be active and maintain an interest in a wide variety of public activities as well as being a source of leadership in his home community of San Jose; and

WHEREAS, It is also significant that the industrial leadership of this state which comprises the membership of the California Manufacturers Association should unanimously select him to be the recipient of the first of their annual California Manufacturer of the Year Award; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members extend their congratulations to Paul L. Davies on being named California Manufacturer of the Year—1964, and express their appreciation for his foresight and leadership which has done so much to further the industrial growth of California; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Paul L Davies.

CHAPTER 101

Senate Concurrent Resolution No. 74—Approving an amendment to the Charter of the City of Santa Clara, County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the sixth day of April, 1965.

[Filed with Secretary of State May 25, 1965.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of a certain amendment, hereinafter set forth, to the Charter of the City of Santa Clara, a municipal corporation, in the County of Santa Clara, State of California, and set out in the certificate of the mayor and city clerk of said city, as follows:

State of California }
County of Santa Clara } ss
City of Santa Clara }

Certificate of Ratification of Charter Amendment by Electors of the City of Santa Clara

We, the undersigned, Lawrence L. Fargher, Mayor of the City of Santa Clara, and A S. Belick, City Clerk of said City, do hereby certify and declare as follows:

That the City of Santa Clara, a municipal corporation, in the County of Santa Clara, State of California, is now and at all times herein mentioned was a City duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 50,000 inhabitants;

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said City, being the legislative body thereof, on its own motion, submitted to the qualified electors of said City, being the legislative body thereof, on its own motion, submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City at a special election duly and regularly called and held for that purpose in said City on the sixth day of April, 1965, said Charter Amendment being herein designated as Santa Clara Charter Amendment;

That said Santa Clara Charter Amendment was published in the Santa Clara Journal, a newspaper of general circulation printed and published in said City and having a general

circulation therein; said newspaper being the official newspaper of said City, on the third day of March, 1965, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California;

That said City Council caused copies of said Santa Clara Charter Amendment to be printed in convenient pamphlet form and in type of not less than 10-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, until the day fixed for said election, advertised in said Santa Clara Journal, a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor;

That said election was duly and regularly held on the sixth day of April, 1965, which said date of the said election was not less than 40 nor more than 60 days after the completion of the advertising in said newspaper of said proposed Charter Amendment, and the returns of said election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify said Santa Clara Charter Amendment, hereinafter specifically set forth;

That said Amendment to the Charter of said City so ratified by the voters of said City is as follows, to wit:

SANTA CLARA CHARTER AMENDMENT

A proposition on motion of the City Council to amend the Charter of the City of Santa Clara by amending Sections 905, 1006 and 1011 therein to read as follows:

"Section 905. 1. City Engineer. The City Engineer shall be a registered professional engineer in the State of California, and he shall have power and be required to:

(a) Supervise and be responsible for all City engineering work, including the preparation of engineering maps, surveys and designs.

(b) Perform such other duties as the City Council may from time to time prescribe, either by ordinance or resolution.

(c) On vacating the office, surrender to his successor all maps, plans, field notes and other records and memoranda belonging to the City and pertaining to his office and the work thereof.

2. Director of Public Works and Utilities. The Director of Public Works and Utilities, who may be the City Engineer, shall, under the supervision of the City Manager, be in charge of the administration of such departments of the City, including engineering and utilities, as are or may be from time to time designated by the City Council."

"Section 1006. Planning Commission. There shall be a City Planning Commission consisting of seven members to be appointed by the City Council from the qualified electors of

the City, none of whom shall hold any paid office or employment in the City Government, except that the City Manager and the Director of Public Works and Utilities, or their designated representatives, shall serve as ex-officio members of the Commission."

"Section 1101. Classified Service. The Civil service of the City shall be divided into the unclassified and classified service.

(a) The unclassified service shall comprise the following offices and positions.

1. All elective officers.
2. City Manager.
3. City Attorney.
4. City Clerk.
5. City Auditor.
6. The head of each department, including but not limited to: the Director of Finance, Director of Public Works and Utilities, City Engineer, Chief of the Police Department, and Chief of the Fire Department.
7. The Assistant City Manager, Assistant City Attorney, and Assistant Department Heads, whenever so designated by the City Council.
8. All members of boards and commissions.
9. Persons employed for a temporary or special purpose, for a period not to exceed six months in any one calendar year, if the City Manager certifies that such employment is temporary and that the work should not be performed by employees in the classified service.
10. Persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character; and
11. Volunteer members of the Fire Department and Police Reserve.
12. The City Council by ordinance may divide or separate any department of the City into divisions and by ordinance may provide that the employee selected to be the head of any such division shall be in the unclassified service.

(b) The classified service shall comprise all positions not specifically included in this section in the unclassified service, and except positions under the Board of Education."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said City, and find and certify that it is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Santa Clara to be affixed hereto this 20th day of April, 1965.

LAWRENCE L. FARGHER
(SEAL) Mayor, City of Santa Clara, California
A. S. BELICK
City Clerk, City of Santa Clara, California

and

WHEREAS, Said proposed Charter Amendment as ratified (being hereinabove set forth) has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendment to the Charter of the City of Santa Clara as proposed to, and adopted and ratified by, the qualified electors of said City of Santa Clara be and the same hereby is approved as a whole, without amendment or alteration, for and as an amendment to and as part of the Charter of the City of Santa Clara.

CHAPTER 102

Assembly Concurrent Resolution No. 71—Relative to personnel techniques in farm employment.

[Filed with Secretary of State May 28, 1965.]

WHEREAS, Industrial concerns in California, aided by the educational institutions of our state, have, over the years, developed to a high degree effective techniques relating to personnel recruiting and management; and

WHEREAS, The teaching and use of these personnel techniques has resulted in productivity and profits to employers and increased wages and other benefits to employees; and

WHEREAS, These personnel recruiting and management techniques have not been extensively taught or used with respect to agricultural operations in this state, and our farmers and farmworkers may not be enjoying the benefits that result therefrom; and

WHEREAS, If the educational institutions in California, particularly at the junior college and higher levels, were to increase existing programs and initiate new training programs, both in their full-time student and extension curricula, and to educate persons connected with agricultural employment in the techniques of personnel recruiting and management, our farmers and farmworkers would be greatly aided in their businesses and employment and our agriculture strengthened; and

WHEREAS, There is an extraordinary and urgent need to recruit and utilize effectively all available labor to meet the needs of California agriculture; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That institutions of higher learning in this state are requested to consider increasing existing programs and initiating new training programs in the techniques of personnel recruiting and management with respect to farm employment; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the State Board of Education, the Superintendent of Public Instruction, the Trustees of the California State Colleges, the governing board of each junior college district, and the Regents of the University of California.

CHAPTER 103

Senate Concurrent Resolution No. 41—Relative to educational leave for state civil service teachers and vocational instructors.

[Filed with Secretary of State May 28, 1965]

WHEREAS, In 1955 the Legislature provided, by Section 19335 of the Government Code, for educational leave with pay for civil service employees of the state employed as teachers or vocational instructors for periods not to exceed two months in every three years of service; and

WHEREAS, The provision for educational leave had as its purpose the upgrading of the quality of educational instruction in state institutional schools, and

WHEREAS, No other profession places as much emphasis on units of college credit as does education and in that profession most advancement is contingent upon completion of additional college work; and

WHEREAS, Many courses required of persons in the profession, particularly in such specialized fields as education of the mentally retarded or emotionally disturbed, are available only during summer sessions to persons able to secure educational leave; and

WHEREAS, Under Section 19451 of the Government Code, grants of educational leave are governed by the principle that the training shall be of direct value to the state, be relevant to the employee's duties, and be limited to providing knowledge or skills that cannot be provided through available in-service training; and

WHEREAS, The State Personnel Board, in its formal studies leading to setting the salaries of persons employed by the state as teachers and vocational instructors, has considered paid educational leave one of the benefits received by teachers, thus lending weight to the concept that all teachers should benefit equally in its application; and

WHEREAS, It is alleged that the employing departments have regarded educational leave as a special privilege, rather than an entitlement, and that they have been unduly restrictive in granting such leave with the result that an average of only 7.5 days per year has been granted, thus depriving the various state agencies of improvement in the quality of their educational programs and the teachers of opportunities for improvement and advancement; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Departments of Correction, Youth Authority and Mental Hygiene, in cooperation with each other and with the State Personnel Board, are directed to study actual practices in the granting of educational leave, including an analysis of the amounts of leave granted in relationship to each academic year, to formulate a statement of steps taken to extend educational leave in keeping with the spirit and philosophy of the State Personnel Board and Legislature on that matter, and to report the results of this study to the Legislature no later than the fifth legislative day of the 1967 Regular Session, and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Director of Corrections, the Director of Youth Authority, the Director of Mental Hygiene and to the members of the State Personnel Board.

CHAPTER 104

Assembly Concurrent Resolution No. 129—Approving certain amendments to the Charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on May 4, 1965.

[Filed with Secretary of State May 28, 1965.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, and set out in the certificate of the mayor and city clerk of said city as follows:

CERTIFICATE OF RATIFICATION OF CERTAIN CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SANTA BARBARA

State of California }
County of Santa Barbara } ss.
City of Santa Barbara }

We, the undersigned, W. Don MacGillivray, Mayor of the City of Santa Barbara, and Robert W. Hutton, City Clerk of said City, do hereby certify and declare as follows:

That the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the Council of said City, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City certain proposals for the amendment of the Charter of said City at a general municipal election duly and regularly called and held for that purpose in said City on the 4th day of May, 1965, said charter amendments being herein designated as Charter Amendment No. 1, Charter Amendment No. 2, Charter Amendment No. 3, Charter Amendment No. 4, Charter Amendment No. 5, Charter Amendment No. 6, Charter Amendment No. 7, and Charter Amendment No. 8.

That on the 24th day of March, 1965, said Council caused said proposed Charter amendments to be duly and regularly published and advertised in each and every edition of said 24th day of March, 1965, in the Santa Barbara News-Press, a daily newspaper of general circulation, printed, published and circulated in said City, there being no official paper of said City

That said Council caused copies of said proposed Charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point and caused copies thereof to be mailed to each of the qualified electors of said City.

That said Council, until the day fixed for the election upon said proposed Charter amendments, did advertise in said Santa Barbara News-Press, a daily newspaper of general circulation in said City, a notice that copies thereof might be had upon application therefor; that copies of said proposed Charter amendments could be had upon application therefor at the office of the City Clerk of said City up to and including the day fixed for said general municipal election.

That said general municipal election was duly and regularly held in said City on the date fixed by said Council, to wit, May 4th, 1965, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed Charter amendments, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified electors voting thereon voted in favor of and did ratify said Charter amendments hereinafter specifically set forth.

That said amendments to the Charter of said City so ratified by the voters of said City are as follows, to wit:

Charter Amendment No. 1

That Section 148 be added to Article XXII of the Charter of the City of Santa Barbara to read as follows:

"Section 148. It is hereby declared to be the policy of the City of Santa Barbara that oil drilling, exploration or prospecting for oil, gas or other hydrocarbon substances, and operations incidental thereto within the municipal limits, are inimical to the basic residential character of the city, and constitute a nuisance. It shall be unlawful for any person, firm or corporation, whether as principal, agent, employee or otherwise, to explore for, prospect for, or drill for, or to permit or to commence the exploration, prospecting or drilling for, oil, gas or other hydrocarbon substances within the corporate limits of the city. Any such activity shall be deemed to constitute a nuisance. The City Council shall be ordinance provide for the enforcement of this section by imposing criminal sanctions by way of both fine and imprisonment, and providing that any violation shall constitute a separate offense for any day upon which the same occurs."

Charter Amendment No. 2

That Section 15 of Article II of the Charter of the City of Santa Barbara be amended to read as follows:

"Section 15. Each of the members of the Council shall receive a salary of $200.00 per month.

"The members of the Board of Education, Park Commission, Trustees of Public Library, Board of Police and Fire Commissioners, Board of Fire and Police Pension Commissioners, Board of Harbor Commissioners, and Board of Health (other than the Health Officer) shall receive no compensation for their services."

Charter Amendment No. 3

That Section 15.4 of Article II of the Charter of the City of Santa Barbara be amended to read as follows:

"Section 15.4. The Mayor shall receive a salary of $1000.00 per month. In any and all respects wherein the within added Section of the Charter of the City of Santa Barbara conflicts with Section 15 of said Charter, the latter shall to the extent of such conflict only be deemed to be repealed."

Charter Amendment No. 4

That Section 5 of Article II of the Charter of the City of Santa Barbara be amended to read as follows:

"Section 5. The members of the Council, one of whom shall be a resident of and elected from each of the wards hereinafter described, elected in the year 1965 and thereafter, shall be elected for a term of four years and shall serve until

their successors have been elected or appointed and have qualified, except that in the case of the Council elected in 1965, three members shall hold office for four years and three shall hold office for two years, so that half of the members of the Council shall be elected every two years The Council elected in 1965 shall determine by lot at its first regular meeting which three members of said Council shall hold office for the four year period."

Charter Amendment No 5

That Section 12-A be added to Article XV-A of the Charter of the City of Santa Barbara to read as follows:

"Section 12-A. From and after the effective date of this Charter amendment, newly appointed members of the police and fire departments who otherwise would be entitled to become members of the pension system provided for by this Article XV-A, shall become 'local safety members' of the State Employees Retirement System, as that term is defined in Sections 20019, 20020 and 20021 of the Government Code, for the purposes of all pension and retirement benefits and obligations and such newly appointed members of the police and fire departments shall have no rights or obligations in any manner whatsoever under the pension system provided for by this Article XV-A.

"The City Council is authorized to enter into such contracts and agreements as may be necessary to fully effectuate the purpose and intent of this amendment.

"Nothing contained in this amendment shall be deemed or construed to impair or detract from in any manner whatsoever, the full enjoyment of all vested rights, privileges and benefits of present and existing members of the pension system provided for in this Article XV-A."

Charter Amendment No. 6

That Section 2-A be added to Article XV-A of the Charter of the City of Santa Barbara to read as follows·

"Section 2-A. Whenever the monthly rate salary of any member of the Fire or Police Department is used as a basis for determination of the amount of any pension provided for by this Article XV-A, the amount of such monthly rate of salary shall be deemed to be as provided for such member by salary ordinances in effect during the period or periods of time provided in this Article without reduction because of illness or disability or any other reason whatsoever and without addition because of overtime or any other reason whatsoever."

Charter Amendment No. 7

That Section 3 of Article XV-A of the Charter of the City of Santa Barbara be amended to read as follows:

"Section 3. (a) Service Retirement. Any member of the Fire or Police Department who shall have served twenty-five years in the aggregate in any capacity or rank in either or both such Departments, or any member of such Fire or Police Departments who shall have reached the age of fifty-five years shall, on his request or by order of the said Board, in its discretion for the good of either or both such Departments, be retired, and shall thereafter be paid during his lifetime in equal monthly installments from the Service Retirement Fund a limited pension as follows:

"For twenty-five years service, fifty percent of the average monthly rate of salary during the five years immediately preceding his retirement and an additional one and two-thirds percent of such average rate of salary for each year over twenty-five years and less than thirty-five years served by such member before retirement; for thirty-five years service or over, two-thirds of such average rate of salary during the five years immediately preceding retirement; provided, that any such member of the Fire or Police Department who has then attained or shall thereafter attain the age of fifty-five years while in the service and who has served in such Department less than twenty-five years, upon his request, or by order of said Board in its discretion for the good of the Department, shall be retired from said Department and shall thereafter be paid during his lifetime in equal monthly installments from said Service Retirement Fund a limited pension as follows:

"Two percent of each year of service less than twenty-five in such Department, of the average monthly rate of salary of such member during the five years immediately prior to his retirement.

"In determining the number of years of service, one-twelfth of a year shall be added to the number of whole years for each complete month of service following the completion of the latest whole year of service.

"(b) Service Retirement Death Benefits. Whenever any member of the Fire or Police Department, who has been retired or is eligible to retire under this Article, shall die, there shall be paid out of the Service Retirement Fund to the surviving wife, as long as she shall live or until her remarriage; or if there is no wife surviving him, or if such wife dies or remarries before all children of such deceased member attain age eighteen, to his dependent children under the age eighteen collectively until each child dies or attains age eighteen, unless said child or children be self-supporting, an annual pension in equal monthly installments in an amount equal to the pension received by such member or that he was eligible to have received at the time of his death. No widow of a Service Retirement Fund pensioner shall be entitled to a pension unless she shall have been married to such deceased pensioner at least five years prior to the date of service retirement of such pensioner."

Charter Amendment No. 8

That Sections 2.1 and 3 of Article XIV-A of the Charter of the City of Santa Barbara be amended to read as follows:

"Section 2.1. The members of the Fire and Police Departments, after completing a one year probationary period upon first entering the service, shall hold office during good behavior and shall not be suspended, removed or dismissed from the service, or reduced in rank, except for good cause, after a public hearing, or in case of suspension or removal for lack of funds; provided, however, that after becoming eligible to retire under any applicable fire and police pension provision of this Charter, any member may be retired by order of the Board of Fire and Police Pension Commissioners for the good of the service without hearing.

"The Chief of the Fire Department and the Chief of the Police Department shall have power to suspend, remove or dismiss from the service or to reduce in rank, for good cause, any member of their respective departments, but when such power is exercised he shall file a written statement of the reasons with the Board of Civil Service Commissioners with certification that a copy of such statement has been served upon the person so suspended, removed or dismissed from the service or so reduced in rank, personally, or if he cannot be found within the City of Santa Barbara after reasonable inquiry by mailing such copy by registered mail to the last residence address of such member according to the records of such department. Upon such filing, such suspension, removal or dismissal from the service or such reduction in rank shall take effect. Within fifteen days after such statement shall have been filed, the said Board, upon its motion, may, or upon written application of such member filed with the said Board within five days after service upon him of such statement, shall proceed to hold a public hearing upon the matter of such suspension, removal or dismissal from the service or of such reduction in rank. If, after such hearing said Board shall find that the grounds stated for such suspension, removal or dismissal from the service or for such reduction in rank were insufficient or were not sustained, and also finds in writing that the person so suspended, removed or dismissed from the service or so reduced in rank is a fit and suitable person to fill the position or rank from which he was suspended, removed, dismissed or reduced, as the case may be, said Board shall order said person to be reinstated and restored to duty in his former status and rank from which he was suspended, removed, dismissed or reduced, with pay during said layoff period. If the said Board shall find that the grounds stated for such suspension, removal or dismissal from the service or for such reduction in rank were sufficient and sustained by the evidence, it may suspend, remove or dismiss from the service or reduce in rank or otherwise discipline the offending member. The decision of such Board upon all mat-

ters of suspension, removal or dismissal from the service or of reduction in rank shall be final. In the event of the removal or dismissal of any member from the Police or Fire Departments for good cause, but not for lack of funds, such member shall forfeit all rights and privileges under the fire and police pension provisions of this Charter as now or hereafter provided except that if such member shall have completed five years of contribution by way of salary deductions to any pension fund, he shall be entitled to withdraw the amount of his contributions without interest upon such removal.

"Section 3. The Board of Police and Fire Commissioners, whenever it shall be necessary for lack of funds, may remove a member or members from the Fire or Police Departments, and such order shall be final and not subject to review by the Board of Civil Service Commissioners. Where removal is made for lack of funds, the members of such Department having served the shortest period of time therein shall be laid off first, and upon reinstatement of any such members, those having served the longest period at the time of being laid off shall be reinstated first, provided they be eligible, as hereinafter in this Section provided. The member laid off for lack of funds shall be eligible for reinstatement only in case he shall file a written request for reinstatement with the Board of Police and Fire Commissioners within three months after being so laid off. Such request must contain an address which may be changed from time to time, where such member may be notified of a call to duty. Such call to duty shall be in writing and may be given by personal service or by mailing notice of such call by registered mail to such member at his last address, according to the records of his Department. In case any such member shall fail to report for duty within ten days after the giving of such call to duty, or if not called to duty within two years after being laid off, he shall be deemed to have forfeited any rights to reinstatement.

"The Board of Police and Fire Commissioners shall not employ any new members in such Department, other than a Chief of Emergency Policemen, as provided in Section 74 of this Charter, so long as there remain unreinstated any members who, within the two years previous, have been laid off for lack of funds, and who have duly filed a request for reinstatement and have not forfeited their rights to reinstatement by failing to respond to a call to duty.

"Every new member of the Police and Fire Departments shall, during his first year of service, be deemed to be on probation and during such time shall be subject to removal by the Board of Police and Fire Commissioners for the good of the service without any hearing."

That we have compared the amendments as stated herein with the original proposal submitted to the electors of said City, and find and certify that they are full, true and correct copies thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Santa Barbara to be affixed hereto this 11th day of May, 1965.

(SEAL)

W. DON MACGILLIVRAY,
Mayor of the City of
Santa Barbara, California
ROBERT W. HUTTON,
City Clerk of the City of
Santa Barbara, California

and

WHEREAS, Said proposed charter amendments as ratified (being hereinabove set forth) have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendments to the Charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the qualified electors of said City of Santa Barbara be and the same hereby are approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of the City of Santa Barbara.

CHAPTER 105

Senate Joint Resolution No. 16—Relative to the proposed discontinuance by the United States Department of Agriculture of its utilization research program on western rice.

[Filed with Secretary of State May 31, 1965.]

WHEREAS, The Secretary of Agriculture announced on December 31, 1964, his intention to request the discontinuance as of July 30, 1965, of all utilization research on western rice; and

WHEREAS, Funds allocated to the department's western laboratory at Albany, California, for this program total only $79,800 annually; and

WHEREAS, The value to both domestic consumers and the rice industry of California, since the western laboratory's initial research in 1948, has been estimated at many millions of dollars; and

WHEREAS, Accomplishments of the western rice research program to date have included: major improvements in rice-drying operations; a process for stabilizing rice bran and brown rice; a process for increasing milling yields by drying

to low moisture levels; establishment of relationships between milling yields and tempering conditions during drying; practical production of high-protein rice flours; delineation of comparative changes occurring in rough rice during flat, aerated, and turned storage; compositional changes during storage under a wide variety of temperature and moisture conditions, determination of equilibrium moisture contents of brown and parboiled rices; development of improved parboiling conditions for both pearl and Calrose rices; demonstration of critical relationships of milling yields and kernel properties to seed maturity at harvest; quality control test for completeness of cooking in parboiled and quick-cooking rice products; demonstration of effectiveness of complete milling on removal of microorganisms from brown and undermilled rices; development of detailed information on amino acid, plant acid, sugar, and hemicellulose constituents in the rice kernel; demonstration of effect of enzymatic changes during storage on cooking and processing properties; development of high quality canned white rice; discovery of unique properties of waxy rice now being used commercially for stabilizing frozen food products; development of a quick-cooking rice now being used commercially; development of new types of instant breakfast cereal; development of process to freeze cooked rice for convenience marketing; development of rice curls, a unique snack item; and comparison of properties of U S rices with world rices to demonstrate potential of U.S. rices in export markets; and

WHEREAS, Lines of research work presently in progress at the Albany laboratory include: at the specific request of the cereals committee of the National Research Council and the California rice industry, development of improved methods and materials for the coating of rice and for the uniform total enrichment of milled rice; at the request of the California rice industry, development of parboiled products having improved color and flavor from brown and undermilled, as well as paddy rices; pilot-scale and commercial production of high-protein flours, in cooperation with the United Nations Children's Fund; characterization of the protein components of rice and the elucidation of their relationships to processing qualities; and

WHEREAS, Some specific problems requiring further research to benefit domestic consumers and the rice industry are: new milling methods for removal of bran other than by the conventional abrasion methods now in use; radically different quick-cooking and instant rice products with major improvement in quality; exploitation of leads from past research to reduce undesirable stickiness of short-grain rice; a full understanding of relationships between compositional variations in rice and major quality factors; mechanisms of aging changes in rice and development of methods to modify and control them; development of allergen-free beverage products from high-protein rice flours for use by weanling children in developing nations; investigations of new techniques to maintain

high processing quality of rough rice at the mill; development of profitable new outlets for bran and polish in high value food products and for hulls in feed and industrial products; and

WHEREAS, Discontinuance of the western rice research program by the United States Department of Agriculture would result in the loss of many millions of dollars of value to consumers, producers and America's foreign aid program; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States of its opposition to the proposed discontinuance of the program and the Legislature urges Congress to provide the necessary funds for the continuation of utilization research on western rice by the Department of Agriculture; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 106

Senate Concurrent Resolution No. 21—Relative to expenses of the Joint Interim Committee on Law Revision.

[Filed with Secretary of State June 1, 1965]

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the sum of three thousand five hundred dollars ($3,500) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Senate and Assembly for the expenses of the Joint Interim Committee on Law Revision (created by Section 10301 of the Government Code), and its members and for any charges, expenses or claims it may lawfully incur, to be paid from said contingent funds equally and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 107

Senate Concurrent Resolution No 49—Relative to factors to be considered by insurers in establishing premium rates.

[Filed with Secretary of State June 1, 1965]

WHEREAS, It is a common practice in the insurance industry for insurers writing fire insurance to place their insureds into

classes, without regard to the loss experience of each insured, for purposes of determining premium rates; and

WHEREAS, This practice leads insurers to assess all insureds within a class the same premium rate in spite of the fact that some members of a class take especial pains to maintain their premises or conduct their operations in a safe fashion; and

WHEREAS, This practice which unjustly causes a safety-conscious insured to be charged the same rate as a careless insured could create a danger to the public by destroying the incentive to an insured to take more than ordinary precautions against unsafe conditions; and

WHEREAS, Leading auto insurers have demonstrated that it is practical to adjust premium rates to reflect groupings which make possible, to a greater extent, individual risk underwriting; and there is no cogent reason why these methods of establishing premium rates cannot be applied to other areas of industry as well; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the insurers admitted to conduct business in this state are earnestly requested to reexamine their fire insurance premium rating systems in order that each insured in this state shall be charged a premium which is commensurate with the risk he presents.

CHAPTER 108

Senate Concurrent Resolution No. 87—Approving a charter amendment to the Charter of the City of Porterville, a municipal corporation in the County of Tulare, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the sixth day of April, 1965.

[Filed with Secretary of State June 1, 1965.]

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

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF PORTERVILLE

State of California }
County of Tulare } ss

We, the undersigned, William R. Rodgers, President of the City Council and Mayor of the City of Porterville, and Roy

R. Pederson, City Clerk of the City of Porterville, do hereby certify and declare as follows:

That the City of Porterville is a municipal corporation in the County of Tulare, State of California, and is now and at all times hereinafter referred to, was a City containing a population of more than thirty-five hundred (3500) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said City of Porterville is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8, Article 11 of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of the City of Porterville at an election duly held for that purpose on October 5, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of January, 1927 (Statutes 1927, Chapter 27, Page 2172);

That in pursuance of Section 8 of Article XI of the Constitution of the State of California, and on its own motion, the Council of the City of Porterville, being the legislative body of said City, by and in pursuance of resolutions passed and adopted by the City Council on the 5th day of January, 1965, and by more than a two-thirds vote of said Council, duly submitted to the qualified electors of the City of Porterville, proposals for the amendment of Sections 13, 31, 57, and 61 and the repeal of the 5th paragraph of Section 57 of the Charter of the City of Porterville; and in pursuance of resolutions passed and adopted by the City Council on the 19th day of January, 1965, and by more than a two-thirds vote of said Council, duly submitted to the qualified electors of the City of Porterville, proposals for the amendment of Sections 17 and 17A of the Charter of the City of Porterville; to be voted on by said qualified electors, at a general muncipal election, to be held in said City on the 6th day of April, 1965, which said proposals are hereinafter set forth at length;

That said proposed amendments and repeal were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, in the Porterville Evening Recorder, which was then and there a daily newspaper, printed, published and circulated at and within the City of Porterville, County of Tulare, State of California, and was and is the official newspaper for said City;

That said City Council caused copies of said proposed amendments to be printed in convenient pamphlet form and kept in the office of the City Clerk of said City, and did, until the date fixed for the election upon said amendments, advertise in the Porterville Evening Recorder, a notice that such copies might be had upon application therefor, all in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California;

That said proposed amendments were published and advertised within fifteen (15) days after they were filed with the City Clerk and that the election at which they were voted on was by resolution of the City Council passed and adopted on the 5th and 19th days of January, 1965, set for April 6, 1965, which was not less than forty (40) nor more than sixty (60) days after the completion of the advertising in the official newspaper as aforesaid;

That thereafter, the Council of the City of Porterville did, in the manner provided by law, duly and regularly canvass the returns of said election, and that said City Council by resolution adopted on the 12th day of April, 1965, declared the result of said municipal election as determined from the canvassing of the returns thereof;

That at said municipal election held on the 6th day of April, 1965, said proposed amendments were ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of the amendment of the second paragraph of Section 31 and Section 61 of the Charter of the City of Porterville 1,103 votes and against said amendments 269 votes;

That said amendments of the second paragraph of Section 31 and Section 61 of the Charter of the City of Porterville so amended by the by the electors of the City of Porterville are in words and figures as follows, to-wit:

Property which the council may authorize to be sold as having become obsolete or unfit for the City's use. All sales shall conform to such other regulations as the council may from time to time prescribe, providing that if an amount in excess of Five Hundred Dollars ($500.00) is involved, opportunity shall be given for competitive bidding in the manner provided for in Section 61 of this Charter."

COMPETITIVE BIDDING FOR EXPENDITURES WHERE THE AMOUNT INVOLVED IS IN EXCESS OF $2,500.00

"Section 61. When a required expenditure exceeds two thousand five hundred dollars, it shall be contracted for and let to the lowest responsible bidder after notice.

The council may reject any or all bids presented and may, at its discretion, re-advertise for other bids, or, the council may, after rejecting bids, when the expenditure is for a public project, determine and declare by a four-fifths vote of all of its members that the work in question may be more economically or satisfactorily performed by day labor, or the labor or materials purchased at a lower price in the open market and after the adoption of a resolution to this effect it may have the same done in the manner stated without further observance of the provisions of this section.

As used in this section public project means a project for the erection, improvement and repair of public buildings and works; work in or about streams, embankments, or other work

for protection against overflow; street or sewer work except maintenance or repairs; furnishing supplies or materials for any such project, including maintenance or repair of streets, sewers or water lines.

The notice inviting sealed bids shall set a date for the opening of bids; the first publication shall be at least ten days before the date of the opening of the bids; shall be published at least twice and not less than five days apart in the official newspaper selected by the council.

In case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the council may, by resolution passed by a four-fifths vote of its members, determine and declare that the public interest or necessity demands the immediate expenditure of public money to safeguard life, health, or property, and thereupon they may proceed without advertising for bids or receiving the same, to expend, or enter into a contract involving the expenditure of any money required in such emergency, on hand in the city treasury and available for such purpose."

That at said municipal election held on the 6th day of April, 1965 said proposed repeal of the fifth paragraph of Section 57 of the Charter of the City of Porterville was ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said repeal of the fifth paragraph of Section 57 of the Charter of the City of Porterville 1,037 votes and against said repeal 314 votes.

That said repeal of said fifth paragraph of Section 57 of the Charter of the City of Porterville so ratified by the electors of the City of Porterville is in words and figures as follows, to-wit:

"The park commission shall have the management and disbursement of funds regularly appropriated for the support of the parks and playgrounds under its control, provided, however, that all bills, demands or claims, after having been audited by the said commission, shall be presented to the city auditor who shall examine the same and if the amount thereof is legally due and there remains on his books an unexhausted balance or appropriation against which the same may be charged, he shall approve and pay such demand out of the park fund, which fund is hereby created and further provided the park commission shall not at any time incur greater expenditures than have been provided for in the annual budget for their use."

That at said municipal election held on the 6th day of April, 1965, said proposed amendment of the fourth paragraph of Section 17-A of the Charter of the City of Porterville was adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said amendment of the fourth paragraph of Section 17-A of the Charter of the City of Porterville 1,053 votes and against said amendment 286 votes;

That said amendment of said fourth paragraph of Section 17-A of the Charter of the City of Porterville so amended by the electors of the City of Porterville is in words and figures as follows, to-wit:

"For purposes of this section safety employees shall be defined as "all city employees who are assigned to permanent duty with the police department and all city employees who are assigned to permanent duty with the fire department excepting clerical, secretarial and custodial employees assigned thereto " All other employees of the City of Porterville shall be defined as miscellaneous employees In the event any employee of the city fails to distinctly fall within either of the employee classifications herein set forth then, by resolution, the council shall classify said employee as a safety or miscellaneous employee "

That at said municipal election held on the 6th day of April, 1965, said proposed amendment of the first paragraph of Section 13, the second paragraph of Section 17, and the first paragraph of Section 57 of the Charter of the City of Porterville were ratified and adopted by more than a majority of the electors of said City voting thereon, there being cast in favor of said amendments 1,102 votes and against said amendments 241 votes;

That said amendments of said first paragraph of Section 13, the second paragraph of Section 17, and the first paragraph of Section 57 of the Charter of the City of Porterville so amended by the electors of the City of Porterville are in words and figures as follows, to-wit:

"The officers of the City of Porterville shall consist of five members of the Council, one of whom shall act as mayor and the following officers, boards and commissions, who shall be appointed by the Council: A board of five park commissioners, a board of five library trustees, a city manager, a city clerk and assessor, a city attorney, and a city treasurer."

"The board of five library trustees and board of five park commissioners shall be appointed by the recommendation of the mayor subject to the confirming vote of a majority of the council as hereinafter prescribed."

"The council shall appoint a park commission consisting of five members who shall serve for a term of three years, provided that of the first appointments under this charter amendment, two members shall serve for two years and three members shall serve for three years."

That the returns of said election were in accordance with law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunder duly authorized, that a majority of the qualified electors voting thereon had voted for and in favor of said proposals for the amendments and repeal to Sections 31, 61, 57, 17-A, 13, 17, and 57 of said Charter, and

That we, and each of us, further certify, that we have compared the foregoing and enclosed ratified and repealed amendments to the Charter of the City of Porterville with the original resolution and proposal submitting the same to the qualified electors of the City at the municipal election held on April 6, 1965, and that the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of Porterville to be affixed, this 13th day of May, 1965.

(SEAL)

WILLIAM R. RODGERS
President of the City Council
and Ex-Officio Mayor
ROY R. PEDERSON
City Clerk of the City of Porterville

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein. That the amendments to the Charter of the City of Porterville, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Porterville.

CHAPTER 109

Assembly Concurrent Resolution No. 54—Relative to recreation areas along the California Aqueduct.

[Filed with Secretary of State June 1, 1965]

WHEREAS, The Department of Water Resources is required by the Davis-Dolwig Act, after giving full consideration to the recommendations of other interested governmental agencies, to incorporate into the planning and construction of every water project constructed by the state such facilities as are desirable or necessary to permit full utilization of the project for recreational purposes; and

WHEREAS, The California Aqueduct system is a feature of the State Water Facilities which will provide an unparalleled opportunity for development of recreational uses to serve the recreation needs of the state; and

WHEREAS, The Department of Water Resources has transmitted to the Legislature Bulletin No. 154, entitled "Potential Recreation Areas Along the California Aqueduct," which bulletin is an evaluation of the desirability and engineering and economic feasibility of certain water-based potential recreation areas along the California Aqueduct; and

WHEREAS, Bulletin No. 154 recommends that the Department of Water Resources acquire land for recreational development of the following sites: Buena Vista Reservoir, Tupman Aquatic Park, Kettleman City Aquatic Park, Ingram Creek Aquatic Park, and fishing access sites at Wheeler Ridge, Buttonwillow, Lost Hills, Huron, Three Rocks, Ora Loma, and Sperry Road; and

WHEREAS, Bulletin No. 154 further recommends initial recreational development of Buena Vista Reservoir, Kettleman City Aquatic Park, Ingram Creek Aquatic Park, and fishing access sites at Wheeler Ridge, Three Rocks, and Sperry Road and development of the Tupman Aquatic Park site and the sites with fishing access at Buttonwillow, Lost Hills, Huron, and Ora Loma to meet increasing recreation demand as that demand evolves; and

WHEREAS, The Davis-Dolwig Act provides that the nonreimbursable costs of the State Water Project shall be borne by all of the people of the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of Water Resources is requested to expedite formulation of plans which will initiate implementation of the recommendations contained in Bulletin No. 154; and be it further

Resolved, That the Director of Water Resources is requested to acquire the recreational sites recommended in Bulletin No. 154; and be it further

Resolved, That the Director of Parks and Recreation is requested to budget for, and to begin, the development of these recreational sites at the appropriate time; and be it further

Resolved, That the Legislature, pursuant to the provisions of the Davis-Dolwig Act, declares its intent that necessary funds shall be appropriated to reimburse the Department of Water Resources for acquisition of recreational use sites and to the Department of Parks and Recreation for development of recreation areas along the California Aqueduct; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, to the Administrator of the Resources Agency, to the Director of Water Resources, and to the Director of Parks and Recreation.

CHAPTER 110

Relative to endorsing a sister state affiliation with Osaka, Japan.

[Filed with Secretary of State June 1, 1965]

WHEREAS, The White House People-to-People Program was established in 1956 with the purpose of developing greater friendship and understanding among the people of the United States and those of other countries; and

WHEREAS, It is recognized that such friendship and understanding bring benefits that are enduring and mutually rewarding; and

WHEREAS, The people of California greatly admire the courageous example of the Japanese people in building strong democratic institutions in an area of the world where suppression of freedom is constantly threatened; and

WHEREAS, The people of California are aware of the great friendliness and industry of the people of Osaka, Japan, and share with them the goal that the dignity, liberty and well-being of every man shall be achieved; and

WHEREAS, The State of California long has benefited from the contributions of thousands of persons of Japanese origin, who exemplify the highest type of good citizenship in our state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members endorse the affiliation of the State of California and the Prefecture of Osaka Fu, Japan, as sister states; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor of Osaka, Gisen Sato, to the Osaka Prefectural Assembly, and to the United States Department of State.

CHAPTER 111

Assembly Joint Resolution No. 24—Relative to expansion of the Nimbus Hatchery.

[Filed with Secretary of State June 3, 1965]

WHEREAS, In recent years the present capacity of the Nimbus Hatchery has been insufficient to handle the number of eggs which can be taken; and

WHEREAS, There is sufficient room next to the Nimbus Hatchery for the expansion of the salmon hatchery, as well as room for additional facilities; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Department of the Interior and the Bureau of Reclamation are requested to consider an expansion of the Nimbus Hatchery facilities in order to enable

this hatchery to handle the increased salmon runs; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Secretary of the Interior and the Commissioner of the Bureau of Reclamation, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 112

Assembly Concurrent Resolution No 50—Relative to requesting the Insurance Commissioner to investigate motor vehicle liability insurance rates.

[Filed with Secretary of State June 7, 1965.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Insurance Commissioner of the State of California is requested to study the premium rates for motor vehicle liability insurance and the reasons for the recent increases therein, and to report his findings and recommendations for legislative action with respect to such insurance rates to the Legislature not later than June 15, 1965.

CHAPTER 113

Assembly Concurrent Resolution No. 113—Relative to making additional funds available to the Legislative Audit Committee.

[Filed with Secretary of State June 7, 1965.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available to it, the sum of four hundred forty thousand dollars ($440,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and Assembly for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid equally from the said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 114

Senate Concurrent Resolution No. 84—Approving a certain amendment to the Charter of the City of Grass Valley, a municipal corporation in the County of Nevada, State of California, voted for and ratified by the qualified electors of the city at a general municipal election held therein on the third day of May, 1965.

[Filed with Secretary of State June 8, 1965]

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

CERTIFICATE OF ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF GRASS VALLEY

State of California, }
County of Nevada, } ss.
City of Grass Valley }

We, the undersigned, John J. Hodge, Mayor of the City of Grass Valley, State of California, and J. A. Simmons, Clerk of said city, do hereby certify and declare as follows:

That said City of Grass Valley at all times mentioned herein was, and now is, organized and existing under the freeholders charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which said charter was duly adopted and ratified by a majority of the qualified electors on the 18th day of September, 1951, and approved by the Legislature of the State of California on the 19th day of March, 1952.

That on the 9th day of February, 1965, the Council of the City of Grass Valley, adopted on its own motion the following resolution, to-wit:

Resolution No. 324 N.S.

Be it resolved by the Council of the City of Grass Valley:

That the following proposals be submitted to the qualified electors of the City of Grass Valley at the General Municipal Election to be held in said city on Monday, May 3, 1965, for the purpose of amending the Charter of the City of Grass Valley duly adopted and ratified by the electors of said city on the 18th day of September, 1951, and approved by the Legislature of the State of California March 19, 1952, to-wit:

Proposition No. 1

That Section 6, Article VI, of the Charter of the City of Grass Valley be amended to read as follows:

"Section 6: Quorum. A majority of the Council constitutes a quorum for transaction of business. Less than a majority may adjourn from time to time and compel attendance of absent members in the manner and under the penalties prescribed by ordinance or resolution. No act of the Council, however, shall be valid unless a majority of all of the elected members concur therein."

Proposition No. 2

That Subsection (a) of Section 19, Article VIII, of the Charter of the City of Grass Valley be amended to read as follows:

"Section 19: Planning Commission. (a) There shall be a City Planning Commission consisting of five (5) persons to be appointed by the City Council to serve for a term of four (4) years. Their compensation shall be fixed by the City Council from time to time. The City Engineer shall be ex-officio member of the Planning Commission but shall have no vote."

Proposition No 3

That Subsection (a) of Section 2, Article XV, of the Charter of the City of Grass Valley be amended to read as follows:

"Section 2: Provisions in All Contracts (a) Progressive Payment of Contracts: Any contract may provide for progressive payments if in the ordinance or resolution authorizing or ordering the work, permission is given for such payment. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at any time ninety (90%) percent of the contract price before the completion and acceptance of the work."

Proposition No. 4

That Section 12, Article XVI, of the Charter of the City of Grass Valley be amended to read as follows:

"Section 12: Property All property of the City, both real and personal, may be acquired, purchased, leased, sold, or exchanged in the same manner as is provided for the acquisition, purchase, lease, sale, or exchange of public property by the laws of the State of California for general law cities as the same now exist or may hereafter be amended."

Adopted as a resolution of the Council of the City of Grass Valley at a regular meeting thereof on the 9th day of February, 1965, by the following vote:

Ayes: Councilmen Hodge, Tamietti, Brust, Meggs, Hales
Noes: Councilmen none
Absent: Councilmen none

JOHN J. HODGE
Mayor
Attest: J. A. SIMMONS
City Clerk.

That the said proposed amendments to said City Charter were advertised by publication thereof once on the 11th day of March, 1965, in each edition during the day of publication of The Union, the official newspaper of said city, and a newspaper of general circulation printed and published in said city.

That at the said general municipal election duly and regularly held on the 3rd day of May, 1965, being not less than forty (40) days, and not more than sixty (60) days, after the completion of the advertising in the official newspaper, a majority of the qualified voters voting thereon voted in favor of such proposed charter amendments and the city council of said city at a meeting held on May 4, 1965, in the manner and time required by law, duly canvassed the returns of said election and it duly found, determined and declared that a majority of said qualified electors voting thereon had voted for and ratified said charter amendments; that said amendments to said City Charter, as the same were proposed and ratified as herein set forth are as follows, to-wit:

(1) "Article VI, Section 6: Quorum. A majority of the Council constitutes a quorum for transaction of business. Less than a majority may adjourn from time to time and compel attendance of absent members in the manner and under the penalties prescribed by ordinance or resolution. No act of the Council, however, shall be valid unless a majority of all of the elected members concur therein."

(2) "Article VIII, Section 19 (a): Planning Commission. There shall be a City Planning Commission consisting of five (5) persons to be appointed by the City Council to serve for a term of four (4) years. Their compensation shall be fixed by the City Council from time to time. The City Engineer shall be ex-officio member of the Planning Commission but shall have no vote."

(3) "Article XV, Section 2 (a): Provision in All Contracts. (a) Progressive Payment of Contracts: Any contract may provide for progressive payments if in the ordinance or resolution authorizing or ordering the work, permission is given for such payment. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at any time ninety (90%) percent of the contract price before the completion and acceptance of the work."

(4) "Article XVI, Section 12: Property. All property of the City, both real and personal, may be acquired, purchased,

leased, sold, or exchanged in the same manner as is provided for the acquisition, purchase, lease, sale, or exchange of public property by the laws of the State of California for general law cities as the same now exist or may hereafter be amended."

In witness whereof, we have hereunto set our hands and affixed the corporate seal of the City of Grass Valley, County of Nevada, State of California, this 11th day of May, 1965.

JOHN J. HODGE
Mayor of the City of Grass Valley.
J. A. SIMMONS
City Clerk of the City of Grass Valley.

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration of amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Grass Valley, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Grass Valley.

CHAPTER 115

Assembly Concurrent Resolution No. 152—Approving certain amendments to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the 25th day of May, 1965.

[Filed with Secretary of State June 8, 1965.]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of eight amendments, hereinafter set forth, to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Los Angeles and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, L. E. Timberlake, President of the Council of the City of Los Angeles, and Walter C. Peterson, City Clerk of the City of Los Angeles, do hereby certify and declare as follows:

That said, the City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said City at a special election held for that purpose on the 6th day of May, 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January, 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8, of the Constitution of the State of California, the Council of the City of Los Angeles, being the legislative body of said City, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles certain proposals for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain general municipal election held on the 25th day of May, 1965, all as required by law, which said proposals were designated as proposed Charter Amendments 1, 2, 3, 4, 5, 6, 7, and 9, respectively.

That on the 9th day of April, 1965, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 9, 1965, in "The Los Angeles Daily Journal", a daily newspaper of general circulation printed and circulated in said City, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said City.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 9, 1965, to and including May 25, 1965; and a notice was advertised and published on and from April 9, 1965, to and including May 25, 1965, in "The Los Angeles Daily Journal", a newspaper of

general circulation in said City, that copies thereof might be had at the office of the City Clerk of said City upon application therefor.

Such proposed charter amendments were submitted to the electors of said City for adoption and ratification at a general municipal election held on May 25, 1965, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of the City of Los Angeles, heretofore certified by him to the Council of said City, and the declaration of the Council of said City of Los Angeles, which pursuant to law met on June 2, 1965, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election as certified by the said City Clerk.

That the said amendments to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said City, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Proposed Charter Amendment No. 1

The Charter of the City of Los Angeles is hereby amended by repealing Sections 38, 73½, 73¾, 115, 121, 136, 155.1, 155.2, 169, 175, 187, 205, 436, 440, 441 and 442 thereof.

Proposed Charter Amendment No. 2

The Charter of the City of Los Angeles is hereby amended by adding thereto Section 281.1 to read as follows:

Sec. 281.1. In addition to the ordinances mentioned in Section 281 which shall take effect upon their publication, any ordinance relating to creating classes of positions, fixing salaries, authorizing the employment of personnel, or prescribing conditions of employment shall take effect upon its publication.

Proposed Charter Amendment No. 3

The Charter of the City of Los Angeles is hereby amended by adding thereto Section 65 5 to read as follows:

Sec 65 5 The following officers of the City shall receive, in full compensation for all services of every kind whatever rendered by them, the following salaries, payable in monthly installments, or oftener, as the Council by ordinance may direct: the Mayor shall receive $35,000 per annum; the City Attorney shall receive $32,000 per annum; the Controller shall receive $25,000 per annum; each Councilman shall receive $17,000 per annum.

Proposed Charter Amendment No. 4

The Charter of the City of Los Angeles is hereby amended by adding Section 504.1 thereto to read as follows:

Sec. 504.1. Upon the transfer of any City function or operation to another public agency, which such agency accepts the members of this system employed in the performance of the function or operation so transferred as officers or employees of that agency and affords to such members the opportunity of securing retirement credit for their City service in that agency's retirement system, then and in that event, the released liability to this system on account of those members thereof who transfer their accumulated contributions to that agency's retirement system to meet the required employee contribution for such service credit shall be made available for payment on account of the required employer contribution of the agency to which the City function or operation is transferred in such manner as may be determined in the ordinance authorizing the transfer of the City function or operation, provided, however, that in no event shall the amount of money so made available exceed the required employer contributions on account of those members of this system who request the transfer of their accumulated contributions as hereinbefore provided, as opposed to those members who request that payment of their accumulated contributions be made to them.

For the purpose of this section, the phrase released liability shall mean the City's share of the actuarially determined present value of benefits earned to the date of the transfer under the City Employees' Retirement System and shall be based on the rates of withdrawal and other actuarial assumptions in effect on the date of the transfer and an assumed interest factor as determined by the Board of Administration which reflects, as closely as practicable, the interest rate at which member contributions and the City reserves were credited as provided in Section 507 for the six-month period immediately preceding the date of such transfer.

Proposed Charter Amendment No. 5

The Charter of the City of Los Angeles is hereby amended by amending Section 219 thereof and adding Section 219.3 thereto to read as follows:

Sec. 219. The city shall not sell, lease or otherwise dispose of its rights in the waters of said Los Angeles River, in whole or in part. No other water or water right, nor any of the following property, now or hereafter owned or controlled by the city, to-wit: electric energy, or the right to develop electric or other power by means of any water or water right now or hereafter owned or controlled by the city, shall ever be sold, leased or disposed of, in whole or in part, without the assent of two-thirds of the qualified voters of the city voting on the proposition at a general or special election, at which such proposition

shall be lawfully submitted, and no water shall ever be sold, supplied or distributed to any person or corporation, other than municipal, for resale, rental or disposal to consumers or other persons. Neither shall any electric power ever be sold, supplied or distributed to any person or corporation other than municipal for resale, rental or disposal to consumers or other persons without the assent of two-thirds of the qualified voters of said city given, as aforesaid; provided, that nothing in this section contained shall be construed to prevent the ordinary sale and distribution by the city of water and electric energy to its inhabitants for their own use, or to prevent the supplying or distribution by the city of surplus water or surplus electric energy to consumers or municipal corporations outside of the city, as elsewhere in this charter provided.

Nothing in this charter shall prohibit the making from time to time by the Board of Water and Power Commissioners of arrangements in the interest of economy for the interchange and/or sale of surplus electric energy or standby or emergency service in connection with the transmission and utilization of power from the Colorado River or from any other source of electric power.

Sec. 219.3. The Board of Water and Power Commissioners shall have power and authority (subject to authorization or approval by ordinance) to contract with others (including all or any of the following: the United States or any of its agencies, any state or state agency, and any corporation, public or private, within or without the State of California), for the construction, ownership, operation and maintenance of an extra high voltage direct current transmission line and appurtenant facilities for the interchange of electrical power and energy between the Los Angeles area and hydroelectric generating facilities in the Pacific Northwest.

Any such contract may provide for a sharing of the use and benefits of such facilities and of the capital charges and other obligations associated therewith The term of any such contract may extend over the period of the useful life of the facilities involved.

The Board of Water and Power Commissioners shall have power and authority (subject to authorization or approval by ordinance) to enter into contracts with the United States or any of its agencies for the exchange of electric energy for electric generating capacity. No such exchange contract shall obligate the City or the Department for a term in excess of 20 years.

Proposed Charter Amendment No. 6

The Charter of the City of Los Angeles is hereby amended by repealing Sections 73½, 73¾, 111¾, 115, 121, 126, 136, 155.1, 155.2, 155.3, 168, 169, 205 and 213; and by amending Sections 70, 71, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 86, 94½, 95, 111, 111½, 134, 151, 199, 230, 248 and 408 thereof; and by adding Section 443 thereto, to read as follows:

Sec. 70. The following departments of the city government are hereby created:

(a) Airports
Harbor
Library
Pension
Recreation and Parks
Water and Power

Said departments shall each be under the control and management of a board of five commissioners.

Wherever in this charter the terms "departments having control of their own special funds" and "departments which have control of definite revenue or funds" and other substantially equivalent terms are used, the departments included therein, and affected thereby, shall in all cases include the above departments.

(b) Civil Service
Fire
Police

Said departments shall each be under the control and management of a board of five commissioners.

(c) Animal Regulation
Building and Safety
City Planning
Health
Municipal Art
Public Utilities and Transportation
Social Service
Traffic

Said departments shall each be under the control and management of a general manager.

Each of these departments shall have a board of commissioners to exercise the powers and perform the duties provided for in this charter.

Sec. 71. Each said board shall be known as the Board of (insert name of department) Commissioners, and the members of each such board shall be known as the commissioners of their department. Any such board may be referred to as a citizen board. An attendance fee of Ten Dollars ($10.00) per meeting attended, not exceeding One Hundred Dollars ($100.00) in any calendar month to any member, shall be paid to each member of any of said boards; except that as to the Department of Airports, Harbor Department and Department of Water and Power said attendance fee shall be Twenty-five Dollars ($25.00) per meeting attended, not exceeding Two Hundred Fifty Dollars ($250.00) in any calendar month.

Sec. 72. The terms of the commissioners referred to in Section 71 shall be five (5) years, beginning with the first day of July of the respective years.

The terms of the commissioners shall be so designated that the term of office of one member shall expire each year. The period of the term of each commissioner will be designated in

the appointment An appointment to fill an unexpired term on any board herein provided for shall be for a period of the unexpired term.

No person shall be appointed a commissioner who is not a qualified elector of the City of Los Angeles.

Sec. 73. The members of each of the boards referred to in Section 70 shall be appointed, and may be removed by the Mayor, subject in both appointment and removal to the approval of the Council by a majority vote

Sec. 74. Each of the various boards referred to in Section 70 shall organize by electing one of its members President and one Vice-President, which officers shall hold office for one year and until their successors are elected, unless their membership on the board sooner expires. The election of the President and Vice-President shall be held at the meetings of the respective boards during the last week in July of each year. The board may fill for the unexpired terms any vacancy occurring in the office of President or Vice-President. Each board shall hold a regular meeting at least twice a month. All meetings shall be in a municipal or other facility open to the public and with reasonable provision for attendance by the public.

Sec. 75. (a) Each of the boards referred to in subsection (a) of Section 70 shall appoint a secretary, not a member of the board, and a chief accounting employee, who may be the secretary. Such board may appoint any officer or employee of the department, other than a member of the board, as secretary, or any officer or employee of the department, other than a member of the board or the general manager, as chief accounting employee, and assign the duties thereof to such officer or employee which shall be in addition to the regular duties prescribed for such officer or employee.

(b) Each of the boards referred to in Sec. 70 (b) shall appoint a secretary, not a member of the board, and a chief accounting employee, who may be the secretary. The Council may, by ordinance, at the request of the board concerned, combine the positions of secretary or chief accounting employee, or both, with any other position in any department not having control of its own revenues and funds, except that the positions of general manager and chief accounting employee may not so be combined.

(c) The general manager of each department referred to in Sec. 70 (c) shall assign an employee of that department as the secretary to the board of commissioners of the department. The Council may, by ordinance, at the request of the general manager concerned, combine the position of secretary with any other position in any department not having control of its own revenues and funds.

(d) Any appointment made under this section shall be subject to the provisions of Article IX of this charter. The secretary shall keep a record of the proceedings and transactions of the board, specifying therein the names of the commis-

sioners at all meetings and giving the ayes and noes upon all votes. He shall post and publish all orders, resolutions and notices which the board shall order to be posted or published, and shall perform such other duties as are herein, or may be by order of the board, imposed on him.

Sec 77. Whenever in this charter the words "head of a department" are used, it shall be understood to refer to the board of the department in the case of any department placed under the control and management of a board, and the general manager of the department in the case of any department placed under the control and management of a general manager.

Sec. 78. The head of each department shall have power (subject to the provisions of this charter and to such ordinances of the city as are not in conflict with the grants of power made to each such department of the city government elsewhere in this charter), to supervise, control, regulate and manage the department and to make and enforce all necessary and desirable rules and regulations therefor and for the exercise of the powers conferred upon the department by this charter.

Boards of Commissioners shall have such additional powers and perform such other duties as may be granted or imposed elsewhere in this charter, or by ordinance not in conflict with the provisions of this charter.

The board for each department created by Section 70 (c) shall have the power (subject to the provisions of this charter and to such ordinances of the city as are not in conflict with the grants of power made to each such board of commissioners elsewhere in this charter), to make and enforce all necessary and desirable rules and regulations for the exercise of powers and the performance of the duties conferred upon each such board by this charter.

No grant of power by this charter to any department or board of city government shall be construed to restrict the power of the Council to enact ordinances under the police power of the city, except as otherwise specifically provided in this charter.

Sec. 79. (a) The board of each department referred to in subsections (a) and (b) of Section 70 shall appoint and shall have power to remove a general manager for the department who shall be the chief administrative officer of the department. Such general manager shall not be a member of the board nor shall he have been a member within one year prior to his appointment. His office shall have a title appropriate to the character of the work of the department. The board may issue instructions to the general manager of its department concerning his exercise of any of the powers conferred upon him by this charter. Failure on his part to comply with such instructions, or incompetency, dishonesty, discourtesy, or neglect of duty on his part, as determined by the board of his department, shall constitute adequate grounds for his removal by said board,

provided that the person affected shall be given previous written notice of the grounds of the proposed removal and opportunity to be heard by the board.

(b) A general manager for each department referred to in Section 70 (c) shall be appointed by the Mayor, subject in appointment to the Civil Service provisions of this charter and confirmation by the Council, and may be removed by the Mayor, upon specified cause subject to the approval of the Council by a majority vote after investigation and hearing and report to the Council by the Civil Service Commission within thirty (30) days after the order of removal by the Mayor. His office shall have a title appropriate to the character of the work of the department. The power to remove a general manager as provided in this subsection shall be in place of the power to remove, discharge or suspend provided in Section 112.

Sec. 80. (a) Subject to the provisions of this charter, the rules of the department and the instruction of his board, said general manager of departments under the control and management of a board of commissioners shall have the power and duty:

(1) To administer the affairs of the department as its chief administrative officer;

(2) To appoint, discharge, suspend, or transfer the employees of the department, other than the secretary of the board and the chief accounting employee of the department, and to issue instructions to said employees, other than the secretary and the chief accounting employee, in the line of their duties, all subject to the Civil Service provisions of this charter;

(3) To expend the funds of the department in accordance with the provisions of the budget appropriations or of appropriations made subsequent to the budget;

(4) To recommend to the board of the department prior to the beginning of each fiscal year an annual departmental budget covering the anticipated revenues and expenditures of the department, conforming so far as practicable to the forms and dates provided in this charter in relation to the general city budget;

(5) To certify all expenditures of the department to the chief accounting employee;

(6) To exercise such further powers in the administration of the department as may be conferred upon him by the board of his department.

(b) The general manager of each department referred to in Section 70 (c) as the chief administrative officer of the department, shall:

(1) Have full charge and control of all work of the department;

(2) Be responsible for the proper administration of its affairs;

(3) Appoint, discharge, suspend or transfer all employees of the department, all subject to the Civil Service provisions of this charter;

(4) Issue instructions to said employees in the line of their duties,

(5) As authorized by ordinance, assign such employees of the department as are required for the carrying out of the powers and duties of the board of commissioners;

(6) Provide such technical assistance and information as is requested in writing by the board of commissioners of said department;

(7) Prior to the beginning of each fiscal year submit an annual budget covering the anticipated revenues and expenditures of the department; including therein, pursuant to the instructions of the board of commissioners, the money required for the proper conduct of its affairs; conforming, so far as practicable, to the forms and dates provided in this charter in relation to the general city budget;

(8) Expend the funds of the department in accordance with the provisions of the budget appropriations or of appropriations made subsequent to the budget, including those appropriated for the board of commissioners;

(9) Exercise such further powers as may be conferred upon him.

Sec. 81. The general manager of each department at least once a month shall file with the board and the Mayor a written report on the work of the department.

Sec 82 Any action by any of said departments named in Section 70 authorizing the acquisition or sale of real property, approving of contracts which obligate the city for a longer period of time than one year, or which involves values in excess of Five Thousand Dollars ($5,000.00), or which involves a rule of general application to be followed by the public, shall be taken by the head of such department by order or resolution. Every order or resolution adopting a rule of general aplication to be followed by the public shall be published once in a daily newspaper and shall take effect upon such publication. Such rules when adopted by orders of general managers of departments named in Section 70 (c) shall be subject to the approval of the Mayor

Sec. 83. The board of each department referred to in Section 70 (a) shall, prior to the beginning of each fiscal year, adopt an annual departmental budget and make an annual department budget appropriation, covering the anticipated revenues and expenditures of said department. Such departmental budget shall conform as far as practicable, to the forms and times provided in this charter for the general city budget. Each such budget shall contain a sum to be known as the "unappropriated balance", which sum shall be available for appropriation by the board later in the ensuing fiscal year to meet contingencies as they may arise. A copy of such budget when adopted, and of every resolution subsequently adopted making appropriation from said unappropriated balance shall promptly be filed with the Mayor and Controller, each. No expenditure shall be made or financial obligations incurred by

any such department except as authorized by the annual departmental budget appropriation, or appropriations made subsequent to said annual budget, or as otherwise provided in this charter.

Sec. 84. No money shall be drawn from any fund under the control of any department mentioned in subsections (a) and (b) of Section 70, except upon warrants authenticated by the signature of the chief accounting employee of the department, who shall be directly appointed by the board and shall be directly responsible to it in the discharge of his duties. The board shall file with the Controller a notice giving the name and signature of the chief accounting employee authorized to sign its demands as aforesaid The board by resolution may authorize a temporary substitution in the case of the absence or inability to act of the person whose signature is herein required. A copy of any such resolution of substitution shall be filed with the Controller.

Sec. 86. The board of each department referred to in Section 70 (a) shall provide suitable quarters, equipment and supplies for the department. It shall create the necessary positions in said department, authorize the necessary deputies, assistants and employees and fix their salaries and duties, and may require bonds of any or all such employees for the faithful performance of their duties.

Sec. 94½. The general manager of the Department of City Planning shall be known as the Director of Planning. The Director of Planning shall be chosen on the basis of his administrative and technical qualifications, with special reference to his actual experience in and his knowledge of accepted practice in the field of City Planning.

Sec. 95. The Director of Planning shall have the following powers and duties, subject to supervision and direction by the City Planning Commission as to matters of policy:

(a) With the advice of the Coordinating Board, he shall prepare a master plan for the physical development of the City, as such term is defined by State law, in so far as such definition is applicable to the City, and from time to time extend and modify the same; and he shall prepare all maps, diagrams, charts and reports which may be necessary or advisable in the making of said master plan.

(b) Subject to the approval of the City Planning Commission, he shall prepare all proposed zoning regulations and requirements, establishing the necessary districts or zones in connection therewith, and he shall prepare all maps, charts and diagrams which may be necessary or advisable in the making of such zoning regulations

(c) He shall make investigations and report on the design and improvement of all proposed subdivisions of land and shall have such powers and perform such duties as are required by the Subdivision Map Act of the State of California.

(d) In addition to the foregoing, he shall have such additional powers and duties as may be imposed upon him by ordinance.

Sec. 111. The provisions of this Article shall apply to all departments, divisions and offices of the city government including therein all employees of the city, except that the following shall be exempt therefrom, to wit:

All officers elected by the people.

All members of the several boards.

Members of the Board of Zoning Adjustment.

The secretary to the Mayor.

The chief deputy of the Controller.

The City Superintendent of Schools and assistants and deputies, and all teachers and employees in the School Department.

The assistants, deputies, clerks and stenographers of the City Attorney.

The General Manager who is the Chief Engineer of the Department of Water and Power, and two deputies of said General Manager; provided that if the work of that Department be divided into two bureaus as provided elsewhere in this Charter, then there shall be exempted the General Manager who is the Chief Engineer of the Bureau of Water Works and Supply and the General Manager who is the Chief Electrical Engineer of the Bureau of Power and Light, and a Deputy of the General Manager of each of the two Bureaus.

The Auditor and the Cashier of the Department of Water and Power.

Four persons employed to render services in the Department of Water and Power as assistants or deputies, at a position level in any supervisory line of authority in said Department higher than any position existing under the classified civil service in said line of authority, or as members of the staff of the General Manager of that department, or as they may be divided by action of the Board of Water and Power Commissioners between the respective General Managers if the work of that department be divided into two bureaus; provided that each such person must, at the inception of such exempt employment, hold a position in the Department of Water and Power under the classified civil service provisions of this charter, and must have held one or more such positions for an aggregate period of fifteen years or more, and provided further that the exemption of each such person shall be declared by the Board of Water and Power Commissioners.

The General Manager of the Department of Airports.

The City Administrative Officer and two Assistant City Administrative Officers.

The Traffic Manager and the Port Warden of the Harbor Department.

The Inspector of Public Works.

All physicians appointed by the Health Board other than those employed on a regular full-time permanent basis.

All physicians appointed on or after January 1, 1955, to render services in the Department of Water and Power; provided that such appointments shall be without prejudice to those appointed subject to this article before said date.

All officers of election.

Persons specially employed by the City Clerk, as authorized by the provisions of Section 305 hereof, to assist in the conduct of any election.

The Police Surgeon and assistant police surgeons.

All employees of Advisory Borough Boards

Persons or positions elsewhere specifically exempted by the provisions of this charter.

Persons employed to render professional, scientific, technical or expert services of an exceptional character upon the request of the head of the department, division or office in which such persons are to be employed, approved by resolution of the Council, and by the Board of Civil Service Commissioners.

Any of the following persons may be exempted from the provisions of this article upon the request of the head of the department, division or office in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by resolution, to wit: (a) the first and second deputies in any department, division or office, or either of such deputies where not exempt as above provided; (b) unskilled laborers, including drivers; (c) persons employed on the construction of public works, improvements or buildings. In the same manner there may be exempted in any department, division or office any position requiring the services of one individual for not more than half time and paying a salary not to exceed three-fourths of the monthly rate established by the salary fixing authority of such department, division or office for entering level clerical positions. Any exemption made under the provisions of this paragraph may be terminated at any time by resolution of the Board of Civil Service Commissioners.

Each and every person exempted by or pursuant to the provisions of this section shall, during the period of such exempt employment, be considered as being on leave of absence from the classified civil service if at the time of such exemption he holds a position in the classified civil service, or is entitled to hold a position therein, and shall continue, during such period, to accrue seniority credit the same as though serving in the position in the classified civil service from which he is deemed to be on leave.

Sec. 111½. Notwithstanding other provisions of this charter to the contrary, the following offices and positions are hereby placed under the classified civil service provisions of this charter:

The general managers of the following departments.

Harbor,

Library,

Pensions,
Recreation and Parks.

The provisions of subsection (a) of Section 112 hereof shall apply to the removal, discharge and suspension of the general managers of the departments hereinabove enumerated in lieu of the provisions of Section 79 of this charter.

Sec 134. The chief administrative officer of the Fire Department shall be known as the Chief Engineer of the Fire Department, who shall be appointed by, and may be removed by, the Board of Fire Commissioners, subject in appointment to the civil service provisions of this charter; provided, however, the provisions of Section 135 hereof shall apply to the Chief Engineer of the Fire Department with respect to his right to office, the compensation attached thereto, and the proceedings for his removal, suspension and discharge, except that the powers and duties conferred upon the Chief Engineer, and the Board of Rights, respectively therein, are hereby, with respect to the Chief Engineer, conferred upon the Board of Fire Commissioners, and the Board of Civil Service Commissioners, respectively.

Sec 151. The chief administrative officer of the Health Department shall be called the Health Officer of the City. He shall be a graduate of a reputable college of medicine and shall have had at least three years' experience in the administration of public health work He shall devote his entire time to the duties of his office and shall receive no compensation in addition to the requirements of this Charter, laws or ordinances He shall perform such duties as may be necessary in the protection and preservation of public health under the direction of and supervision of the Board as the said Board may require

Sec. 199. The general manager of the Police Department shall be known as the Chief of Police. He shall, by himself or by deputy, execute and return all writs and processes issued by any court having jurisdiction of criminal cases arising upon violations of the provisions of this charter or the ordinances of the city. He, or one of his deputies, shall attend on the sittings of any such court and preserve order therein; and his jurisdiction and that of his deputies in the service of process in all criminal cases, and in cases of violation of the city ordinances, shall be co-extensive with the county.

The chief administrative officer of the Police Department shall be known as the Chief of Police of the Police Department, who shall be appointed by, and may be removed by, the Board of Police Commissioners, subject in appointment to the civil service provisions of this charter; provided, however, the provisions of section 202 hereof shall apply to the Chief of Police of the Police Department with respect to his right to office, the compensation attached thereto, and the proceedings for his removal, suspension and discharge, except that the powers and duties conferred upon the Chief of Police, and the Board of Rights, respectively herein, are hereby, with respect to the Chief of Police, conferred upon the Board of Police

Commissioners, and the Board of Civil Service Commissioners, respectively.

Sec. 230. There is hereby established a Department of Public Works, to be under the management and control of the Board of Public Works. The Board of Public Works shall consist of five members, whose compensation shall be fixed by ordinance. They shall devote their entire time to the duties of their office. The members of the Board of Public Works shall be appointed and shall organize and conduct the business of the board in the manner provided in Sections 72, 73, 74, subsections (b) and (d) of 75, 76, 77, 78, 82, 84 of this charter relating to citizen boards.

Sec. 248. The General Manager of the Department of Traffic shall be known as the City Traffic Engineer.

Sec. 408. Sections 72, 74, subsections (a) and (d) of 75, and 76 to 87, inclusive of this charter relating to the organization of citizen boards, their powers and duties, and the appointment of a manager and secretary and their powers and duties, are hereby made applicable to the organization, powers and duties of an Advisory Borough Board, their manager and secretary within the scope of their work.

An Advisory Borough Board shall adopt a borough budget and make budget appropriations, to be expended by the borough manager as provided in Section 83 for a departmental budget and its expenditure by a department manager.

Sec. 443. No amendment to this charter adopted by the voters in an election held on May 25, 1965, shall have the effect, by itself, of ending the term of any commissioner, or the right of any general manager to his office, or the right of any secretary of a commission to his appointment.

Proposed Charter Amendment No. 7

The Charter of the City of Los Angeles is hereby amended by adding thereto Section 32.1 to read as follows:

Sec. 32.1. Notwithstanding the powers, duties and functions of the several departments or boards of the City government as set forth in this Charter, the Council may by ordinance, adopted by two-thirds vote of the whole of the Council, transfer any such powers, duties or functions from one department or board to another, or consolidate the same in one or more of the departments created by this Charter or in a new department or board created by ordinance to the extent that only subordinate or auxiliary powers, duties or functions are involved and the primary purpose or character of the department or board is not significantly altered or affected. The power of the Council to so act, as provided in this section, shall not extend to departments having control of their own funds.

Proposed Charter Amendment No. 9

The Charter of the City of Los Angeles is hereby amended by adding thereto Sections 508.01 and 508.02 to read as follows:

Sec. 508 01. The City Council may upon the request of the appointing authority authorize a member of the City Employees' Retirement System to continue working past age 70 providing:

(1) The member continues to perform the same duties he was performing on reaching age 70;

(2) The Civil Service Commission finds that the member is fully capable of performing and is performing the required duties of his position; the Civil Service Commission may require medical examination in reaching such finding;

(3) The City Council finds that the best interest of the City requires the continued service of the member, except that for members employed in the Airport and Harbor Departments said finding will be made by the Commission of that Department;

(4) The authorized period of continued service may not exceed one year except that three extensions of not to exceed one year for each extension may be requested and approved in the same manner as the original request.

Such members so employed beyond age 70 will continue as an active member of the City Employees' Retirement System during such continued service and such service will be included both for contributions and benefits.

Provided further that any member who reaches age 70 during the calendar year 1965 prior to the effective date of this amendment may be reinstated to the same duties under these provisions.

Sec. 508.02. The Mayor may at the request of the appointing authority authorize employment of a retired member to a vacant position in a class in which he has been employed or, subject to the provisions of Article IX, in any other position, for a period not to exceed ninety days in any fiscal year when such member's services are required for an emergency or to prevent a stoppage of public business or when his special skills are needed to perform work of a limited duration. While so employed such retired member will continue to receive his retirement allowance, as a retired member, but will make no further contribution to the retirement system, and will not be subject to any change in benefits from the retirement system as the result of such employment

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the

regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 2nd day of June, 1965.

(SEAL)

L. E. TIMBERLAKE
President of the Council of the City of Los Angeles
WALTER PETERSON
City Clerk of the City of Los Angeles

Approved as to Form and Legality June 2, 1965

ROGER ARNEBERGH
City Attorney
By BOURKE JONES
Assistant

and

WHEREAS, The said proposed amendments as ratified hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of the said City of Los Angeles.

CHAPTER 116

Assembly Joint Resolution No. 9—Relative to the Arts Foundation Bill.

[Filed with Secretary of State June 10, 1965.]

WHEREAS, The long awaited recognition of the arts has at last been given by the Congress of the United States through the passage of the National Arts and Cultural Development Act of 1964; and

WHEREAS, It is necessary, in order to achieve the full benefit from this monumental thrust which has been given to American culture, that appropriations be made available to assist in the development and expansion of programs of cultural advancement; and

WHEREAS, The Javits Arts Foundation Bill would provide such needed money; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the California State Legislature respectfully memorializes the Congress of the United States, on behalf of the people of California and in particular the California Arts Commission, to enact the Javits Arts Foundation Bill; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the California Arts Commission.

CHAPTER 117

Assembly Joint Resolution No. 16—Relative to amateur athletic competition.

[Filed with Secretary of State June 10, 1965]

WHEREAS, It is consistent with the national policy of physical fitness that amateur athletes be afforded maximum opportunities to compete and participate in amateur athletic contests according to their respective choice and ability; and

WHEREAS, The Amateur Athletic Union of the United States (AAU) and the National Collegiate Athletic Association (NCAA) have been involved in a continuous controversy over the past several years, a major portion of said controversy relating to the sponsorship of athletic contests and the jurisdiction to certify and to sanction and to establish standards for individual amateur athletes; and

WHEREAS, It appears that this controversy has reached a critical point in track and field sports and has resulted in a situation wherein collegiate athletes will probably be unable to compete in many major track and field meets during the 1965 spring track season; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the California State Legislature respectfully memorializes the Congress of the United States to make full and impartial investigation of the controversy between the AAU and the NCAA and the effect of said controversy upon the individual amateur athlete and to take whatever action as may be necessary to secure the right and opportunity of the individual amateur athlete to compete in athletic contests in accordance with individual choice and ability; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the

House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 118

Assembly Joint Resolution No. 17—Relative to marriage and divorce residence requirements.

[Filed with Secretary of State June 10, 1965.]

WHEREAS, There is a growing concern over the increasing rate of divorce in this country; and

WHEREAS, The increase in the divorce rate is in part attributable to hasty evasionary marriages outside the state of domicile; and

WHEREAS, The unfortunate consequences of the increasing divorce rate are multiplied because of the ease and quickness of divorce in some jurisdictions which have minimal residence requirements; and

WHEREAS, The present interpretation of the full faith and credit clause of the United States Constitution, coupled with present application of conflict of laws principles, has resulted in subordinating the public policy of various sister states to economically oriented policies of some neighboring states which traffic in hasty evasionary marriages and migratory divorces; and

WHEREAS, Prior attempts to rectify this situation have been abortive since those states which profit by this situation will not join in any efforts towards uniform acts which would establish more generally accepted minimal contacts with a state before marriage or divorce; and

WHEREAS, The federal government is not presently authorized by the Constitution of the United States to establish minimum uniform waiting and residence requirements for marriage and divorce; and

WHEREAS, The only effective alternative appears to be an amendment to the United States Constitution which would delegate to the Congress authority to establish minimal waiting and residence requirements for marriage and divorce which will be uniformly applicable throughout the country; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is respectfully urged to propose an amendment to the Constitution of the United States to authorize the Congress to establish uniform minimal waiting periods prior to marriage and minimal residence requirements for divorce, in the United States; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the

House of Representatives and to each Senator and Representative from California in the Congress of the United States

---

CHAPTER 119

Assembly Joint Resolution No. 20—Relative to memorializing Congress to take appropriate action on the establishment of a national cemetery at Camp Elliott

[Filed with Secretary of State June 10, 1965.]

WHEREAS, The Fort Rosecrans National Cemetery is the only national cemetery in southern California; and

WHEREAS, There being an average of 15 interments for each working day, available space is diminishing at an alarming rate; and

WHEREAS, It is, and will continue to be, traditionally proper to provide fitting memorial cemeteries for the interment of deceased veterans of the armed forces of the United States and for their eligible dependents, as is now evidenced by the memorial cemeteries now in existence; and

WHEREAS, In the area which contains the Counties of San Diego, Riverside, Orange, Imperial and San Bernardino, State of California, there resides a population composed of an extremely high percentage of veterans, as compared to other sections of the United States; and

WHEREAS, In 1945, the office of the Quartermaster General, Department of the Army, recommended to the Congress that a new national cemetery of an adequate size be established in the San Diego area, and if and when legislation is enacted, steps be taken toward the selection of a site and acquisition of the necessary property on which to establish a national cemetery; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the Congress of the United States to provide for the establishment of a national cemetery of an adequate size on United States government owned land on the former Camp Elliott Naval Reservation, now declared excess to the General Services Administration; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit suitably prepared copies of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 120

Assembly Concurrent Resolution No. 18—Relative to the preparation of the Summary Digest.

[Filed with Secretary of State June 10, 1965]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Counsel is directed to prepare a Summary Digest of statutes enacted and constitutional amendments proposed at the 1965 Regular Session of the Legislature; and be it further

Resolved, That copies of this publication be mailed to the Members of the Legislature by the Chief Clerk of the Assembly as soon as possible after printing; and be it further

Resolved, That the Chief Clerk of the Assembly shall cause to be printed 2,000 copies of the Summary Digest, the cost thereof to be payable from the legislative printing appropriation.

CHAPTER 121

Assembly Concurrent Resolution No. 51—Relating to a historical marker at the San Luis Dam memorializing John F. Kennedy.

[Filed with Secretary of State June 10, 1965.]

WHEREAS, The San Luis Project is one of the greatest water engineering projects ever attempted; and

WHEREAS, The San Luis Project is the first joint federal-state project of its kind; and

WHEREAS, The late President John F. Kennedy was an enthusiastic supporter of the San Luis Project; and

WHEREAS, One of the last official actions of the late President Kennedy in the State of California was his representation of the federal government at the ground breaking ceremonies for the San Luis Project on August 18, 1962; and

WHEREAS, On that occasion the late President made a memorable address on conservation and expressed his delight at his participation in such a momentous project and did appropriately detonate charges breaking ground for the project; and

WHEREAS, It is most fitting that such a unique and momentous occasion be appropriately memorialized as an event of great historical significance to the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources is requested to take immediate steps to erect a suitable marker on the spot where the martyred President John F. Kennedy delivered his address and broke ground for the initiation of the San Luis Project, so that future generations of Californians may remember the participation of the late Presi-

dent in this momentous and significant phase of California's history; and be it further

Resolved, That copies of this resolution be transmitted to the Director of the Department of Water Resources, the Chairman of the California Heritage Preservation Commission and the Director of the Kennedy Library at Arlington, Virginia.

CHAPTER 122

Assembly Concurrent Resolution No. 56—Relative to staffing patterns of local school districts.

[Filed with Secretary of State June 10, 1965]

WHEREAS, The Legislature desires to aid local school districts in the quest for better education and greater efficiency of operation; and

WHEREAS, The Assembly Interim Committee on Education has found that high scholastic achievement of pupils is directly related to a corresponding investment in good classroom teachers; and

WHEREAS, The Senate Factfinding Committee on Governmental Administration has found that the ratio of classroom teachers to other certificated personnel employed by school districts in capacities other than as teachers has steadily decreased during the past several decades, and

WHEREAS, Neither of these legislative committees has found any evidence of a relationship between the achievement of pupils in the public schools and the number of persons employed by the school districts in other than teaching capacities; and

WHEREAS, The governing boards and the residents of local school districts should have all information made available to them regarding the staffing patterns in their respective school districts as compared to the other districts in the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Board of Education is requested to study the staffing practices of the various school districts of California, including the numbers of certificated persons employed in capacities other than as teachers, the ratios of teachers to pupils and the salaries paid, to determine whether there are consistent patterns in such matters as between districts of varying wealth, size and other significant characteristics, and to report its findings to the Legislature by the fifth legislative day of the 1967 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the members of the State Board of Education.

CHAPTER 123

Assembly Concurrent Resolution No. 69—Relative to salaries of outstanding competent teachers.

[Filed with Secretary of State June 10, 1965.]

WHEREAS, It is essential to the quality of instruction offered in the public schools of the state that recognition be given to superior teachers; and

WHEREAS, It is a common practice of school district governing boards to adopt salary schedules for their teaching staffs solely on the basis of longevity and educational attainments; and

WHEREAS, Greater consideration by way of higher salaries should be given to the instructional success of classroom teachers; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the governing boards of school districts of this state are hereby urged, in the adoption of salary schedules for certificated employees, to provide for the payment of higher than standard salaries for classroom teachers who have demonstrated outstanding competence and success in the instruction of their pupils; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to send copies of this resolution to the superintendent and the president of the governing board of each school district in California.

CHAPTER 124

Assembly Concurrent Resolution No. 77—Approving amendments to the Charter of the City of Dairy Valley, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the city at a special municipal election held thereon on the 2nd day of March, 1965.

[Filed with Secretary of State June 10,1965]

WHEREAS, Proceedings have been held for the proposal, adoption, and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Dairy Valley, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the City Clerk of the City of Dairy Valley as follows:

CERTIFICATE OF CITY CLERK OF THE CITY OF DAIRY VALLEY RE RATIFICATION OF CITY CHARTER AMENDMENTS

State of California }
County of Los Angeles } ss.
City of Dairy Valley }

The undersigned, Agnes Hickey, City Clerk of the City of Dairy Valley, California, and ex-officio Clerk of the City Council of said City, does hereby certify and declare as follows:

That the undersigned said Agnes Hickey was at all times herein mentioned the Clerk of the legislative body of the City and City Clerk of said City of Dairy Valley; that heretofore and prior to the 6th day of January, 1965, the said City Council of the City of Dairy Valley did cause to be framed certain proposed charter amendments to its City Charter as hereinafter set forth, and on the 6th day of January, 1965, at a regular meeting of said City Council of said City, said City Council by Resolution No. 65-1 adopted by unanimous vote of said City Council, all members being present, ordered the propositions for the adoption of said proposed charter amendments to be placed on the ballot at the special election ordered in the City of Dairy Valley for the 2nd day of March, 1965, for the purpose of submitting said propositions to the electors of said City of Dairy Valley; that said proposed charter amendments of the City of Dairy Valley were filed in the office of the City Clerk of Dairy Valley on the 6th day of January, 1965; that said Resolution No. 65-1 further ordered and directed that the City Clerk give such notice of said election and proposed charter amendments in time, form and manner as required by law;

That said proposed charter amendments were published pursuant to said order in the Artesia News on the 15th day of January, 1965, said newspaper being of general circulation in said City of Dairy Valley; that a further notice was published in the Long Beach Press Telegram, said newspaper being of general circulation in said City of Dairy Valley, on the 19th day of January, 1965, and on each day thereafter until the day fixed for said election, stating that copies of the said proposed charter amendments could be had upon application therefor; that the date of such publication in the Artesia News was within fifteen (15) days after the said proposed charter amendments were filed in the office of said Clerk of said City Council; that the date set for the submission to the electors of said proposed charter amendments, to wit, March 2, 1965, was not less than forty (40) days nor more than sixty (60) days after the completion of said advertising in said Artesia News as aforesaid;

That said election was duly and regularly held on the 2nd day of March, 1965, and that at said election a majority of the qualified voters voting thereon voted in favor of each of the said proposed charter amendments and for the ratification and adoption thereof;

That the said City Council of the City of Dairy Valley at a meeting duly held on March 9, 1965, at the time and in the form and manner required by law, and in accordance with the law in such cases made and provided, duly canvassed the returns of said election and duly found, determined and declared

that a majority of said electors voting thereon had voted in favor of each of said proposed charter amendments and for the adoption thereof, and that the same were adopted and ratified by more than the majority of the qualified voters of the City of Dairy Valley voting thereon, as follows, to wit:

Proposition B:

Votes in favor of the adoption and ratification of said proposed charter amendment: 524

Votes against the adoption and ratification of said proposed charter amendment: 173

Proposition C:

Votes in favor of the adoption and ratification of said proposed charter amendment: 514

Votes against the adoption and ratification of said proposed charter amendment: 169

That said election was held in accordance with the election laws of the State of California relating to and governing such special municipal elections within said State, so far as applicable, and in other respects in strict accordance with the general laws of the State of California;

That said charter amendments so prepared, proposed, submitted, ratified and adopted as herein set forth are in the words and figures following, to wit:

Proposition B·
Proposed Charter Amendment

Paragraph 1 of Section 403 of the Charter of the City of Dairy Valley is hereby amended to read as follows:

Section 403. Vacancies. A vacancy in an elective office, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office for the remainder of such unexpired term and until his successor qualifies.

Proposition C:
Proposed Charter Amendment

Paragraph 1 of Section 905 of the Charter of the City of Dairy Valley is hereby amended to read as follows:

Section 905. Contracts on Public Works. Every project involving an expenditure of more than Seven Thousand Five Hundred Dollars for the construction or improvement of pub-

lic buildings, works, streets, drains, sewers, utilities, parks or playgrounds shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the construction, resurfacing, maintenance or repair of streets, drains or sewers are excepted from the requirements of this paragraph if such work is performed by a City or County of Los Angeles department

I do further certify and declare that the foregoing constitutes a full, true, and correct statement of the actions and proceedings had by the City of Dairy Valley and the City Council of said city, in the matter of the framing, proposal, and submission of said proposed charter amendments for the government of the City of Dairy Valley, and in calling, voting upon, and canvassing the returns and declaring the results of said election.

In witness whereof, I have hereunto set my hand and hereto affixed the seal of said City of Dairy Valley, this 29th day of March, 1965.

(SEAL)

AGNES HICKEY
City Clerk of the City of
Dairy Valley, California.

WHEREAS, The proposed amendments so ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting thereon and concurring therein, That the amendments to the Charter of the City of Dairy Valley as proposed to and adopted and ratified by the qualified electors of the city, are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of the City of Dairy Valley.

CHAPTER 125

Assembly Concurrent Resolution No. 98—Relative to amending Joint Rule 22.1.

[Filed with Secretary of State June 10, 1965.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Rule 22.1 of the Joint Rules of the Senate and Assembly is amended to read:

22.1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed

on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman appropriate forms for such report. As used in this rule, "uncontested bill" means a bill, except a revenue measure or a measure as to which the 30-day limitation prescribed by Section 2(a) of Article IV of the Constitution has been dispensed, which: (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present; and (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee; and (c) prior to final action by the committee has been requested, by the author, to be placed on the consent calendar.

CHAPTER 126

Assembly Concurrent Resolution No. 153—Approving an amendment to the Charter of the County of Santa Clara, State of California, ratified by the qualified electors of the county at a special election held therein on the 20th day of April, 1965.

[Filed with Secretary of State June 10, 1965.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and the clerk of the board of supervisors of the county, as follows:

CERTIFICATION OF CERTAIN CHARTER AMENDMENTS AS RATIFIED BY THE QUALIFIED ELECTORS OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, TO THE LEGISLATURE OF THE STATE OF CALIFORNIA

Whereas, the County of Santa Clara has been at all times herein mentioned, and now is, a body corporate politic, and a political subdivision of the State of California, and is now and has been since the 4th day of September 1951, organized and acting under and by virtue of a freeholders' charter adopted under and pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of such county at a general election held for that purpose on the 7th day of November 1950, and approved by the Legislature of the State of California on the 5th day of June 1951, and filed with the Office of the Secretary of State on the 5th day of June 1951; and

Whereas, the board of supervisors of such county, pursuant to the provisions of Section 7½ of Article XI of the said

Constitution did, by resolution and order duly passed and adopted on March 1, 1965, propose to the qualified electors of the County of Santa Clara amendments to the charter of the county, designated on the ballot as Measure A, and ordered that such amendments be submitted to the qualified electors of the county at a special charter amendment election to be held in the county on Tuesday, April 20, 1965, which date was fixed in the resolution as the day for holding such special election; and

Whereas, such proposed amendments to the Charter of the County of Santa Clara were published for ten times in the San Jose Mercury, a daily newspaper of general circulation, printed, published and circulated in said county on March 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, and 19, 1965; and

Whereas, the board of supervisors of such county, pursuant to the provisions of Section 7½ of Article XI, did by Ordinance No. NS 8 1, duly passed and adopted March 8, 1965, call the special charter amendment election to be held on Tuesday, April 20, 1965, which ordinance specified the purpose and time of such election, established the election precincts for such special county election, designated the polling places therein, and the names of the election officers for each such precinct, and ordered the consolidation of such special election with the general consolidated elections conducted in those school districts throughout the County of Santa Clara that requested such consolidation; and

Whereas, such ordinance, prior to such election, was published for five times in the San Jose Mercury, a daily newspaper of general circulation, printed, published and circulated in such county on March 18, 19, 20, 22 and 23, 1965; and

Whereas, such special election was held in the County of Santa Clara on Tuesday, April 20, 1965, which day was not less than 30 days, no more than 60 days, after publication of such proposed amendments for 10 times in the San Jose Mercury; and

Whereas, thereafter the returns of such special election held on Tuesday, April 20, 1965, at which election such proposal was duly submitted to the vote of the qualified electors of such county, were duly canvassed and certified by the Registrar of Voters of the County of Santa Clara to the clerk of the board of supervisors of such county and such clerk of the board of supervisors did on May 17, 1965, duly enter on the records of such board of supervisors a statement of the result of such canvass and such election in the form and manner prescribed by law; and

Whereas, at such special election held on Tuesday, April 20, 1965, the proposed amendments to the Charter of the County of Santa Clara were ratified by a majority of the electors of the county voting thereat; and

Whereas, such charter amendments so ratified by the electors of the County of Santa Clara are now submitted to the Legislature of the State of California for approval or rejec-

tion as a whole, without power of alteration or amendment, pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California, and is in words and figures as follows:

Section 600 of the Charter of the County of Santa Clara is hereby amended to read as follows:

Section 600: Elective County Officers. The elective County officers shall be the:

Members of the Board of Supervisors
Assessor
District Attorney
Justices of the Peace
Sheriff

Such officers, other than the members of the board of supervisors, shall be nominated and elected at the times, and in the manner, and shall hold office for the terms provided by general law. Whenever a vacancy occurs in the offices named in this section, such vacancy shall be filled by the appointment by the Board of Supervisors of a qualified elector of the County who shall hold office until the election and qualification of his successor. At the next general election following any vacancy a successor shall be elected to serve for the remainder of any unexpired term, unless such term is to expire on the first Monday in January of the year succeeding such general election.

Section 610 is added to the charter of the County of Santa Clara to read as follows:

Section 610. Board of Education Appointments. The Board of Education of the County of Santa Clara shall appoint, suspend or remove, subject to the provisions of this charter, the county superintendent of schools, who shall serve for a term of four years, such term to coincide with the gubernatorial term of office. Any vacancy shall be filled by the Board of Education for the remainder of the unexpired term. Within six months after appointment the county superintendent of schools, if not already a resident of the county, shall become and remain a resident of the County of Santa Clara during his term of office and shall not engage in any other business or occupation.

Section 801 of the charter of the County of Santa Clara is hereby amended to read as follows:

Section 801. Unclassified and Classified Services. Employment by the County shall be divided into the Unclassified and Classified Service.

(a) The Unclassified Service shall comprise the following offices and positions:

1. All elective County officers.
2. County Executive.
3. County Counsel

4. One confidential secretary or administrative assistant to each of the following officers:

County Executive

District Attorney

Sheriff

5. All members of boards and commissions.

6. Positions filled by physicians or surgeons in the Department of Public Health or employed in clinics, institutions and hospitals operated by the County.

7. Persons employed to render professional, scientific, technical or expert service of an occasional or exceptional character.

8 All persons serving the County without compensation.

9. Persons employed to conduct a special inquiry, investigation, examination or installation, if the Board of Supervisors or the County Executive certifies that such employment is temporary and that the work should not be performed by employees in the Classified Service.

10. Such temporary or seasonal employees as may be provided for by the Board of Supervisors under the Merit System rules. Such employees shall not be entitled to vacation, holiday or sick leave benefits.

11. Superintendent of Schools.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

Section 1112 is added to the charter of the County of Santa Clara to read as follows:

Section 1112. Schedule. The amendments to this charter approved by qualified electors on April 20, 1965, and thereafter approved by the Legislature making the office of the county superintendent of schools appointive shall become operative upon the expiration of the term of the incumbent in office at the time of such approval by the Legislature or upon a vacancy being created in such office, whichever first occurs.

State of California)
County of Santa Clara (ss.

We, the undersigned, Sig Sanchez, Chairman of the Board of Supervisors of the County of Santa Clara, State of California, and Paul Teilh, County Clerk of the County of Santa Clara, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of the County of Santa Clara, submitted to the electors of such county at a special election held in such county on Tuesday, April 20, 1965, have been compared by us, and each of us, with the proposed charter amendments set forth in the resolution adopted by the board of supervisors as hereinabove set forth, and that the foregoing is a full, true and exact copy thereof, and we further certify that the facts set forth in the preamble preceding such amendments to such charter are and each of them is true.

In witness whereof we have hereunto set our hands and caused the same to be authenticated by the seal of the Board of Supervisors of the County of Santa Clara this 24th day of May, 1965.

SIG SANCHEZ,
(SEAL) Chairman of the Board of Supervisors of the County of Santa Clara, State of California
PAUL R. TEILH,
County Clerk of the County of Santa Clara, State of California

Attest: JEAN PULLAN,
Clerk of the Board of Supervisors of the County of Santa Clara, State of California

WHEREAS, The said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the County of Santa Clara, as presented to and adopted and ratified by the electors of the county, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as a part of, the Charter of the County of Santa Clara.

CHAPTER 127

Senate Concurrent Resolution No. 2—Relative to the California Law Revision Commission.

[Filed with Secretary of State June 14, 1965]

WHEREAS, Section 10335 of the Government Code provides that the California Law Revision Commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress; and

WHEREAS, The commission has submitted to the Governor and the Legislature its 1965 report, containing a list of studies in progress, all of which the Legislature has heretofore approved for study; and

WHEREAS, Section 10335 of the Government Code provides that after the filing of its first report the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter ap-

proved for its study by concurrent resolution of the Legislature; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature approves for continued study by the California Law Revision Commission, the heretofore approved topics on which studies are in progress as listed in the commission's 1965 report on pages 812 to 814, inclusive

---

CHAPTER 128

Senate Concurrent Resolution No. 22—Relative to the economic growth of California.

[Filed with Secretary of State June 14, 1965]

WHEREAS, California is now the most populous state in the nation and the population of California increases approximately 1,800 each day; and

WHEREAS, Edmund G. "Pat" Brown, the Governor of the State of California, has stated that we will reach our goals "only if we exploit to the fullest our economic potential" and that "in order to achieve full employment, we must accelerate our efforts to attract new industries; to maintain a secure and skillful work force; create new foreign and domestic markets for the products of our farms and factories"; and

WHEREAS, The California Legislature believes that the development of new jobs by the state's business community through capital investment and individual initiative is necessary for California to supply the employment for our ever-growing work force and remain in its preeminent position in the United States of America; and

WHEREAS, A favorable environment to encourage business expansion and to attract new industry through capital investment and individual initiative is essential for the broadening of employment opportunities for all the people; and

WHEREAS, Such an environment is comprised of elements that are economic, political and social and includes attitudes of government and all other groups and individuals toward business; and

WHEREAS, The actions of the Legislature to improve the environment in which business and industry must operate to increase its competitive strength will contribute directly to the continuing prosperity of our state and to the constantly rising standard of living of all our citizens; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature, in its deliberations henceforth, shall continue to give primary consideration to, among other things, the retention and increase of job opportunities, capital investment and individual initiative in this state; and be it further

Resolved, That the Members of the Legislature hereby request the Governor and the head of each department of state government to examine their own discretionary actions and orders that relate in any way to capital investment and individual initiative in terms of the effect that such governmental actions have on job opportunities and payrolls in California commerce, industry and agriculture; and be it further

Resolved, That the Legislature reaffirms its dedication to fair and just treatment in legislation and regulation for all segments of our economy; of fair and equitable policies of taxation; of impartial treatment for labor and management in their relationships with government; and of recognition of the basic rights of all our citizens, both individual and corporate; and be it further

Resolved, That a copy of this resolution, officially authenticated, shall be forwarded to the Governor and to the head of each principal department of the state government.

CHAPTER 129

Senate Joint Resolution No. 26—Relative to the San Felipe Division of the Central Valley Project.

[Filed with Secretary of State June 14, 1965.]

WHEREAS, There is pending before the Congress of the United States legislation to authorize the Secretary of the Interior to construct the San Felipe Division, Central Valley Project, California; and

WHEREAS, The proposed construction has had extensive study and review and has been determined to have engineering and financial feasibility and a most favorable cost benefit ratio; and

WHEREAS, It is the purpose of the San Felipe Division to provide, among other things, irrigation and municipal and industrial water supplies, conservation of fish and wildlife resources, and enhancement of outdoor recreation opportunities within the Counties of Santa Clara, San Benito, Santa Cruz and Monterey; and

WHEREAS, The proposed San Felipe Division will make use of a tunnel to be constructed from San Luis Reservoir westward under Pacheco Pass into said service area and will, by reason of its location, harmonize with and assist the State of California's water plan; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation, as soon as possible and appropriate, to authorize construction of the San Felipe Division, Central Valley Project, California, and legislation ap-

propriating such sums as may be necessary therefor; and be it further

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

CHAPTER 130

Senate Concurrent Resolution No. 80—Directing a study of additional topics by the California Law Revision Commission.

[Filed with Secretary of State June 15, 1965.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby directs the California Law Revision Commission to study, in addition to other topics which the commission has been directed to study, the following topics:

(a) Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised, including but not limited to the liability for inverse condemnation resulting from flood control projects. The study of this topic is necessary because of the magnitude of the potential liability for inverse condemnation under recent decisions of the California courts.

(b) Whether the law relating to devises and bequests to a trustee under, or in accordance with, terms of an existing inter vivos trust should be revised and whether the law relating to a power of appointment should be revised.

(c) Whether the law and procedure relating to condemnation should be revised with a view to recommending a comprehensive statute that will safeguard the rights of all parties to such proceedings.

(d) Whether Vehicle Code Section 17150 and related statutes should be revised.

(e) Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised.

(f) Whether the law relating to additur and remittitur should be revised

(g) Whether the Evidence Code should be revised.

CHAPTER 131

Senate Joint Resolution No. 42—Relative to continuing the United States rice research program.

[Filed with Secretary of State June 15, 1965.]

WHEREAS, It has come to the attention of the Legislature that federal financial support of rice research is to be discontinued; and

WHEREAS, The support of the research facilities at Albany, California, and New Orleans, Louisiana, has cost comparatively little and has been supplemented to a substantial degree by funds contributed by the rice growers; and

WHEREAS, The research carried on under this program has resulted in important accomplishments ranging from new rice products for domestic markets to detailed studies on such basic operations as drying and milling and has also resulted in approximately 65 technical publications and reports and 12 patents; and

WHEREAS, The value to the industry resulting from the adoption of these developments has been estimated at many millions of dollars; and

WHEREAS, These developments have had a stabilizing influence on the rice industry and thereby on the United States economy; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to restore and continue the financial support of the rice research program; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 132

Senate Joint Resolution No. 44—Relative to erecting of an animal-proof fence along the international border.

[Filed with Secretary of State June 15, 1965.]

WHEREAS, Since September 1962, when rabies first appeared in the southern part of Imperial and San Diego Counties and in Mexicali and Tijuana, Baja California, Mexico, there have been many laboratory-identified rabies cases and countless human as well as animal exposures to rabies; and

WHEREAS, Rabies is a virus infection of the brain and spinal cord capable of infecting human and animal population all along the international border; and

WHEREAS, Effective rabies control requires immunization of dogs and the elimination of stray dogs and other rabies-carrying animals; and although there has been an effective program of immunization of dogs in the counties in California adjacent to the border, there is a continuing migration of stray dogs and other animals from Baja California, Mexico; and

WHEREAS, An uncontrolled rabies epidemic exists in the northern border area of Baja California in Mexico; and the majority of the cases of laboratory-confirmed rabies in Imperial and San Diego County and the many rabid dogs which have been captured, examined and found to be rabid indicate that the rabies problem extends from the Pacific Ocean to the Colorado River; and

WHEREAS, An animal-proof fence from the Pacific Ocean to the Colorado River along the international boundary would effectively bar the passage of rabid animals into most populous parts of Imperial and San Diego Counties from Mexico; and

WHEREAS, The control of the United States-Mexican border is within the jurisdiction of many federal agencies, including but not limited to the International Boundary and Water Commission, the Department of Agriculture, the Public Health Service, and the Department of Health, Education and Welfare; and

WHEREAS, There is existing legislation that authorizes these agencies to erect fences along the United States-Mexican border (Sec. 22 U.S.C., Sec. 2778, International Boundary Commission; 21 U.S.C., Sec. 141, Department of Agriculture; 42 U.S.C. Sec. 264, Public Health Service); now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to construct an animal-proof fence along the international border between the United States and Mexico in California and take all other appropriate action in order to eliminate the crossing of the border by rabid animals, and thereby alleviate the rabies epidemic in adjacent areas of California; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 133

Assembly Joint Resolution No. 34—Relative to municipal revenue bonds.

[Filed with Secretary of State June 15, 1965.]

WHEREAS, There is currently under consideration by the Committee on Banking and Currency of the United States House of Representatives legislation to assist cities and states with respect to the authority of national banks to underwrite and deal in securities issued by state and local governments, and for other purposes; and

WHEREAS, The proposed legislation will permit commercial banks to underwrite and deal in municipal revenue bonds in which they can invest; and

WHEREAS, Municipal revenue bond financing has become a standard and popular means of financing self-liquidating public improvements particularly in the fields of water, sanitation, airports, parking, streets, highways, bridges and tunnels; and

WHEREAS, California's unprecedented growth will require an ever-expanding volume of general obligation bond financing to meet all of the needs of the state, its counties, cities, special districts and authorities which are not self-liquidating; and

WHEREAS, Commercial banks have long been the backbone of general obligation bond financing in California both as dealers and investors; and

WHEREAS, It is essential that strong financial agencies such as commercial banks be in a position to make their capital available for underwriting municipal revenue bonds in which they can invest; and

WHEREAS, Added competition for public contracts such as commercial bank underwriting of municipal revenue bonds will broaden the market for such bonds and will tend to lower borrowing costs through reduction of interest rates; and

WHEREAS, The resulting substantial public benefits to be derived through enactment of this proposed legislation will be especially advantageous to California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation which will authorize commercial banks to underwrite and deal in municipal revenue bonds in which they can invest in order that every assistance be given to hard-pressed state and local governments in their tremendous efforts to keep abreast of the needs of our fast-developing rural, urban and suburban areas; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the

House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 134

Assembly Concurrent Resolution No. 93—Relative to a study of the impact of federal programs upon state and local government in California.

[Filed with Secretary of State June 15, 1965.]

WHEREAS, Tremendous expansion of federal activity into such fields as health, housing, social welfare, and education require that the Legislature inform itself of the significant policymaking implications of federal programs for state and local governments in California; and

WHEREAS, No single agency of government is presently responsible for a systematic analysis of the effects on state policy of the continued expansion of federal programs; and

WHEREAS, It is the responsibility of state legislatures in a federal system to play a vital role in the development and evaluation of federal-state relationships; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it be the policy of the Legislature of California to review the impact of federal programs on state and local governments in California as an aid to development of a coordinative policy in the field of federal-state relations; and be it further

Resolved, That it is the intent of the Legislature to gather sufficient information to make informed legislative decisions in the field of federal-state relations; and be it further

Resolved, That the Legislative Analyst is hereby established as the information center for the Legislature in the field of federal-state relations; and be it further

Resolved, That the Legislative Analyst is hereby directed to secure typical copies of state plans submitted by state agencies to qualify for receipt of federal aid, major modifications thereof and all other documents of major policy affecting federal-state relations; and be it further

Resolved, That the Legislative Analyst be directed to receive copies of all applications for and approvals of, grants-in-aid submitted to federal agencies by agencies of local government pursuant to the Economic Opportunity Act of 1964; and be it further

Resolved, That state and local agencies are hereby requested to supply such information requested by the Legislative Analyst in fulfillment of duties and obligations placed upon him by virtue of this resolution; and be it further

Resolved, That the Legislative Analyst report annually to the Legislature indicating the policymaking impact of federal

programs on state and local governments in California and making recommendations for legislative action; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Legislative Analyst.

CHAPTER 135

Assembly Concurrent Resolution No. 142—Approving amendments to the Charter of the City of Chico, County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the sixth day of April, 1965.

[Filed with Secretary of State June 15, 1965.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of Chico, a municipal corporation of the County of Butte, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

State of California,
County of Butte, } ss.
City of Chico.

We, the undersigned, Harry McGowan, Mayor of the City of Chico, and Margery L. Ames, Clerk of the City of Chico, do hereby certify and declare as follows:

That the City of Chico in the County of Butte, State of California, has at all times mentioned herein been, and now is, a City of the State of California, containing a population of more than thirty-five hundred (3500) inhabitants, and less than fifty thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States of America, and ever since the 2nd day of May, 1961, has been existing and acting under a freeholders charter adopted under and by virtue of the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 7th day of June, 1960, and approved by the Legislature of the State of California on the 16th day of January, 1961.

That the legislative body of the said city, namely, the Council of said city, of its own motion did, pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, by resolution adopted the 16th day of February, 1965, and duly published in the manner and form required by law, duly proposed to the qualified electors of the City of Chico, certain amendments to the Charter of said City

and ordered that said amendments be submitted to the qualified electors of said City on the 6th day of April, 1965, at the General Municipal Election to be held in said City, the date of which election is fixed by said Charter of the City of Chico hereinbefore referred to, and which said date was fixed in said resolution as the date for voting upon said amendments proposed.

That said proposed amendments, as set out in said resolution and as submitted at the said election, all as hereinafter set out, were published and advertised in the manner and for the time provided by law, in the Chico Enterprise-Record, a daily newspaper of general circulation printed and published in the City of Chico and having a general circulation therein, said newspaper being the officially designated newspaper of the City of Chico That in all respects notice was given, published and advertised in the manner and for the time required by Section 8, Article XI of the Constitution of the State of California, the Charter of the City of Chico, and the Elections Code.

That on March 2, 1965, the Council of the City of Chico regularly adopted Ordinance No. 805 entitled "An Ordinance Ordering the Calling and Holding of a General Election Within the City of Chico to be Held on April 6, 1965".

That said election was duly held pursuant to said call on April 6, 1965, which date was not less than forty (40) nor more than sixty (60) days after the completion of the publication of said proposed amendments in the "Chico Enterprise-Record" as aforesaid, and a majority of the qualified electors voting thereon voted in favor of said proposed amendments, as determined by a canvass of the returns of said election duly and regularly made by the Council of the City of Chico, and said Council did, by resolution No. 123 64-65, duly and regularly adopted, declare the results of said election in so far as it concerned the proposed charter amendments, as determined from a canvass of the returns thereof, which result was as follows:

Total ballots cast	3,056
Total number of votes cast in favor of said amendments	2,429
Total number of votes cast against said amendments	627

That the charter amendments so ratified by the qualified electors of the City of Chico are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8, Article XI of the Constitution of the State of California and which is in words and figures as follows:

AMENDMENTS TO THE CHARTER OF THE CITY OF CHICO

That the Charter of the City of Chico be amended by amending Sections 401, 402, 500, 501, 502 and 1300, to read as follows:

Section 401. Terms Generally. Councilmen shall hold office for a term of four (4) years from and after 8:00 P.M. of the first Tuesday in May following the day of their election and until their successors are elected and qualified, and members of the board of education shall hold office for the terms set forth in the laws of the State of California.

Section 402. Elected at Large. Councilmen of the city shall be elected at large at the general municipal elections provided for in Article V, Section 500 of this Charter.

Members of the board of education shall be elected at large at a school election held by the city in the Chico Unified School District at the same time as general municipal elections.

Within the boundaries of the city such school election shall be conducted by the same election officials and in the same polling places as general municipal elections. In the area of the Chico Unified School District outside the city, such school election shall be conducted by the city at the same time and in the same manner as general municipal elections.

Section 500. General Municipal Elections. General municipal elections for the election of councilmen of the city and members of the board of education of the Chico Unified School District, and for such other purposes as the council may prescribe, shall be held in said city and said school district on the first Tuesday after the first Monday in April of each odd-numbered year.

Section 501. Special Municipal and School Elections. All other municipal elections may be held by authority of general law, or by ordinance, and shall be known as special municipal elections.

School elections held upon dates other than those upon which municipal elections are held shall be conducted by the school district in accordance with state laws governing such election, and shall in no manner be a responsibility of the city.

The expenses of all elections called by the council shall be paid by the city but the Chico Unified School District shall be required to reimburse the city in amounts proportionate to expenses incurred for and on behalf of the school district.

Section 502. Procedure for Holding Elections. Unless otherwise provided by ordinances hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California for the holding of elections in general law cities, in so far as the same are not in conflict with this Charter.

The council shall, by ordinance, order the calling and holding of general elections within the city and the Chico Unified School District. The board of education shall, however, have

the power to call such special elections within the Chico Unified School District as are authorized by law.

The election ordinance shall specify the objects, times and places for holding such elections, and the names of the inspectors, judges of election and clerks for each voting precinct into which the city and/or the Chico Unified School District shall be divided for the holding of and making returns for such election. The number of election officers at each precinct shall not exceed six (6), at least three (3) of whom shall be present at all times during the election. The ordinance calling an election shall be published once in the official newspaper of the city not more than three (3) weeks nor less than two (2) weeks before the time appointed for holding the election.

Section 1300. Membership. The control of the public school department of the City of Chico, including the whole of Chico Unified School District, shall be vested in a board of education which shall consist of five (5) members elected from the district at large. Members of the board of education shall serve without compensation.

We further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Chico with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, exact and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Chico to be affixed hereto this 18th day of May, 1965.

HARRY McGOWAN
(SEAL) Mayor of the City of Chico
MARGERY L. AMES
Clerk of the City of Chico

Approved as to Form:
GRAYSON PRICE, City Attorney

WHEREAS, The proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8, Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Chico as proposed to and adopted and ratified by the electors of the city, as hereinabove fully set forth, be, and the same are hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of the Charter of the City of Chico.

CHAPTER 136

Assembly Concurrent Resolution No. 161—Approving amendments to the Charter of the City of Palo Alto, County of Santa Clara, State of California, ratified by the electors of said city at a general municipal election held in said city on the 11th day of May, 1965.

[Filed with Secretary of State June 15, 1965.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the Mayor of the Council of the City of Palo Alto and the city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PALO ALTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Santa Clara } ss:
City of Palo Alto

We, the undersigned, Bert Woodward, Mayor of the Council of the City of Palo Alto, and Shirley Kilgore, City Clerk of the Council of said City, do hereby certify and declare as follows:

That the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, contains a population of over 50,000 inhabitants and ever since the year 1909 has been and is now organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 21st day of January, 1909 and approved by the Legislature of the State of California by a concurrent resolution thereof filed with the Secretary of State on the 20th day of February, 1909 (Stats. 1909, page 1175); and

That the Legislative Body of said City, namely the City Council thereof, did by Resolution No. 3810 duly adopted pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California duly vote to submit to the qualified electors of said City of Palo Alto at a general Municipal election to be held in said City two proposed amendments to the Charter of the City of Palo Alto, submitted on petitions signed by fifteen per cent of the registered electors of the City of Palo Alto such propositions being designated respectively Proposition 1, and Proposition 2; and

That said proposed Charter amendments were on March 24, 1965, being not less than 40 days nor more than 60 days before

said election, published in the Palo Alto Times, the official newspaper of said City, and a newspaper of general circulation therein and in each edition thereof during said day of publication and said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point and copies thereof were mailed to each of the qualified electors of said City, and until the day fixed for the election upon said amendments it was advertised in said newspaper that the copies thereof could be had upon application therefor at the office of the City Clerk of said City; and

That said proposed amendments were duly and regularly submitted to the qualified electors of the City of Palo Alto in the manner provided in Section 8 of Article XI of the State of California and that said general Municipal election after due notice given and published was duly and regularly held in the City of Palo Alto on May 11, 1965 which day was not less than 40 days nor more than 60 days after the completion of the publication and advertisement of the proposed charter amendments in the manner required by Section 8 of Article XI of the Constitution of the State of California; and

That the returns of said election were duly and regularly canvassed and certified to and it was duly found, determined and declared by the proper officers thereonto duly and properly authorized that all of the amendments of the Charter of the City of Palo Alto hereinafter set forth were ratified by a majority of the electors of said City voting thereon; and

That the Council of said City did by its Resolution No. 3823 adopted May 24, 1965 duly declare the results of said election as determined by the canvass of the returns thereof; and

That as to said charter amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith; and

That said Charter amendments to the Charter of the City of Palo Alto so ratified by the electors of said City are in words and figures as follows, to wit:

PROPOSITION 1

That Section 2 of Article III of the Charter of the City of Palo Alto be amended to read as follows:

Sec. 2. Commencing July 1, 1971, said Council shall be composed of nine members, each of whom shall have been an elector in the City of Palo Alto for at least three years next preceding his election. The members of said Council shall be known as councilmen and their terms of office shall be four years, commencing on the first day of July next succeeding their election.

The members of the Council at the time this section takes effect shall continue in office until the expiration of their respective original terms. The term of office of each member of

the Council elected at the general municipal election of May, 1967, and thereafter, shall be four years.

Three members of the Council shall be elected at the general municipal election of May, 1967. Five members of the Council shall be elected in the general municipal election of May, 1969, and a like number shall be elected every fourth year thereafter. Four members of the Council shall be elected at the general municipal election of May, 1971, and a like number shall be elected every fourth year thereafter.

PROPOSITION 2

That the following Article VIII be added to the Charter of the City of Palo Alto:

Article VIII

Parks

Sec. 1. The purpose of this Article is to provide for the preservation of City lands which are used or intended to be used for park, playground, recreation or conservation purposes, and to provide the electorate an opportunity to pass upon proposals to discontinue or change such actual or intended uses or to improve such lands. This Article shall be liberally construed to effectuate its purposes.

Sec. 2. The word "park" as used in this Article and in the general laws hereinafter referred to, shall in every case be held to mean and include park, playground, recreation and conservation lands and uses.

Sec. 3. Lands owned or controlled by the City which are used or intended to be used for park purposes shall be sold, leased or otherwise disposed of, or their use abandoned or discontinued only in accordance with the provisions of this Article. The general laws of the State of California authorizing municipal corporations to abandon or discontinue the use of lands dedicated or placed in use for park purposes, authorizing the sale or other disposition of such lands, and providing procedures therefor and for matters relating thereto (Government Code Art. 2, Ch. 9, Part 2, Div. 3, Title 4, commencing at Section 38440, as said Article existed on January 1, 1965), shall be applicable to the City of Palo Alto and to all lands owned, used or held by it for park purposes, and said laws shall govern and control exclusively in respect thereto; provided, that nothing herein shall be construed to authorize the discontinuance or abandonment of the use of such lands, or any change in the use thereof which will cause the reversion of such lands to private ownership, or cause the forfeiture of the ownership thereof in fee by the City, or as authorizing any otherwise prohibited discontinuance of the use of park lands acquired in any proceeding wherein a local assessment based on benefits was or shall be levied to provide funds for such acquisition.

Sec. 4. Within three months after the effective date of this Article the council shall by ordinance prepare a list setting forth in separately numbered sections the common name or other designation and the legal description of each site, parcel or area of land owned or controlled by the City which is used or intended to be used for park purposes. Each section shall be accompanied by a map or plat of the land described, and said ordinance shall contain a statement that the lands listed thereon are reserved for park, playground, recreation or conservation purposes pursuant to this Article. Said list shall include, but not necessarily be limited to, the areas commonly known as Foothills Park, Byxbee Park and the City-owned baylands, El Camino Park, Municipal Golf Course, Palo Alto Lawn Bowling Green, Palo Alto Yacht Harbor, Rinconada Park, Mitchell Park, Eleanor Park, Hoover Park, Mayfield Park, Meadow Park, Peers Park, Amarillo Park, Stockton Park, Berkeley Park, Bowden Park, Cogswell Plaza, Eaton Park, Hampton Park and Hollywood Park. From and after the effective date of said ordinance all the lands listed thereon shall be conclusively presumed to be held for use for park purposes and to be subject to the provisions of this Article. As additional lands are acquired or held by the City for park purposes, they shall likewise, by ordinance and without delay, be added to said list and subject to the provisions of this Article. Any such ordinance may be proposed pursuant to the initiative provisions of Article VI, Section 2.

Sec. 5. Before any substantial building, construction, reconstruction or development is commenced or approved upon or with respect to any land held by the City for park purposes the council shall first cause to be prepared and by ordinance approve and adopt a plan therefor. The plan shall be prepared in such a manner and with sufficient detail and particularity to show, as applicable, the nature, function, size, extent and general appearance of the proposed project. Any change in the plan shall be prepared in the same manner and adopted by ordinance.

Sec. 6. Every lease, license or permit or renewal thereof granted by the City with respect to land which is held for park purposes henceforth shall contain a provision requiring the lessee, licensee or permittee, prior to the commencement of any substantial building, construction, reconstruction or development thereon, to submit to the council a plan for its approval and adoption in the manner prescribed in Section 5. To the extent that the council has reserved the power to approve such matters in existing leases, it shall require that the same procedure be followed.

Sec. 7. Whenever in this Article action is required to be taken by ordinance such action shall be subject to the referendum provisions of Article VI, Section 3, irrespective of whether such action would be characterized as legislative, administrative or otherwise. One or more sections of any ordinance adopted pursuant to Section 4 of this Article VIII may be

made subject to a referendum without including the whole of such ordinance.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Palo Alto to be affixed hereto this 27th day of May, 1965.

(SEAL)

BERT WOODWARD
Mayor, of the City of Palo Alto
SHIRLEY KILGORE
City Clerk of the City of Palo Alto

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Palo Alto as proposed to, adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of said City of Palo Alto.

CHAPTER 137

Assembly Constitutional Amendment No. 41—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 1¼b to Article XIII thereof, relating to veterans' tax exemptions.

[Filed with Secretary of State June 15, 1965]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1965 Regular Session commencing on the fourth day of January, 1965, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 1¼b to Article XIII thereof, to read:

SEC. 1¼b. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this state who, by reason of his military or naval service, is qualified for the exemption provided in subdivision (a) of Section 1¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his spouse, and who, by reason of a permanent

and total service-connected disability incurred in such military or naval service is blind in both eyes with visual acuity of 5/200 or less; except that such exemption shall not extend to more than one home nor exceed five thousand dollars ($5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in subdivision (a) of Section 1¾ of this article.

Where such blind person sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the government of the United States, any other property which such totally disabled person occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

This section shall apply to such property for the 1965–1966 fiscal year in the manner provided by law.

CHAPTER 138

Assembly Concurrent Resolution No. 37—Relative to a study and investigation of Department of Employment records.

[Filed with Secretary of State June 16, 1965.]

WHEREAS, The Legislature has been advised that there may have been errors and falsifications in the figures on recruitment, referral, and hiring in farm labor placement reports from certain Farm Labor Service offices of the Department of Employment; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee is directed to study and investigate, with the assistance of the Auditor General, whether errors or falsifications have in fact occurred in such reports of the Farm Labor Service regarding recruitment, referral, and hiring, and to determine the effects, if any, these errors have had on agricultural labor within the state, including the need for supplemental agricultural labor, and to determine the actual cost of the program of recruitment and referral and to report thereon to the Legislature not later than June 1, 1966.

CHAPTER 139

Senate Joint Resolution No. 34—Relating to the income earned by youths of families receiving assistance under the aid to families with dependent children program.

[Filed with Secretary of State June 16, 1965.]

WHEREAS, The basic purpose of the aid to families with dependent children program is to assist children deprived of

parental support and to enable these children to grow into self-supporting, independent, and responsible members of the community; and

WHEREAS, This purpose is now frustrated by the federal Social Security Act which requires that the earnings of employed youths receiving aid to families with dependent children either be deducted in computing their aid grants or be retained for future educational, employment, or other needs, thus discouraging them from seeking suitable part-time and summer employment; and

WHEREAS, Modification of this requirement would enable the youths to justly derive some immediate personal benefit from their employment in addition to learning the values of employment, self-support, and independence; and

WHEREAS, Such a modification would also, by assisting needy families to achieve self-support, ease the burden on the taxpayers, who are now compelled to support families who are potentially capable of supporting themselves; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is respectfully memorialized to amend the Social Security Act to exempt 50 percent of the earnings of youths receiving aid to families with dependent children from deductions from aid grants, and to permit them to keep for their own immediate use such exempted income; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative in this state's delegation to the Congress, and to the Secretary of the United States Department of Health, Education, and Welfare.

CHAPTER 140

Senate Joint Resolution No. 46—Relative to the California fishing industry.

[Filed with Secretary of State June 16, 1965]

WHEREAS, The California commercial fishing industry has historically provided a significant annual contribution to the state's economy; and

WHEREAS, The value of commercial fish landings in 1963 exceeded $60,000,000 in direct payments to California fishermen; and

WHEREAS, The actual benefit to the state's economy is estimated to be three to five times as great as the amount paid directly to the fishermen; and

WHEREAS, The value of the 1963 commercial fish landings were the lowest since 1946 and the total weight of such landings the lowest in the last 23 years; and

WHEREAS, The annual landings of commercially valuable fish have been steadily decreasing over the past two decades; and

WHEREAS, Among the world's nations the relative position of the United States as a fish-producing nation has declined from second in 1948 to fifth in 1963; and

WHEREAS, Since World War II the United States government has given more than 100 million dollars in aid to foreign fisheries which are in direct competition with the American fishing industry; and

WHEREAS, Imported fish and fish products have increased from 20 percent of the United States market in 1949 to where they comprised 58 percent of the United States market in 1963; and

WHEREAS, Many countries in recognition of the importance of developing their fishing industries have established substantial fishery aid programs; and

WHEREAS, There is pending in the Congress of the United States legislation designed to assist the American commercial fishing industry through fisheries loans and through an expanded marine research program; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is requested to enact legislation which will assist the American commercial fishing industry; and be it further

Resolved, That the Secretary of the Senate is directed to forward copies of this resolution to the President and Vice President of the United States, to the Secretary of Commerce and the Secretary of the Interior, to the Speaker of the House of Representatives, to the Chairman of the Senate Committee on Commerce and the Chairman of the House Committee on Merchant Marine and Fisheries, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 141

Senate Concurrent Resolution No. 86—Approving charter amendments to the Charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 20th day of April, 1965.

[Filed with Secretary of State June 16, 1965]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Eureka, a municipal corporation in the County of

Humboldt, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city as follows:

CERTIFICATE OF PROCEEDINGS HAD BY THE CITY OF EUREKA FOR THE PURPOSE OF ADOPTING AND RATIFYING CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF EUREKA.

State of California,
County of Humboldt, } ss.
State of California.

We, the undersigned, Fred F. Thevenin, Mayor of the City of Eureka, and Ruby C Shanahan, City Clerk of the City of Eureka, do hereby certify and declare as follows:

That the City of Eureka, a municipal corporation, in the County of Humboldt, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 and less than 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or under the Legislature of the State of California; that said city is organized, existing and acting under a Charter adopted under and by virtue of the provisions of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City of Eureka at an election held for that purpose on the 5th day of March, 1959, and approved by the Legislature of the State of California, on the 10th day of April, 1959;

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Eureka by its Charter Amendment Resolutions No 65-1, 65-2, 65-3, 65-4, and 65-5, adopted on January 19, February 4, February 4, February 16, and March 2, 1965, respectively, duly and regularly submitted to the qualified electors of said City of Eureka certain proposals to amend the Charter of the City of Eureka and to be voted upon by said qualified electors at the General Municipal Election to be held in said City of Eureka on the 20th day of April, 1965, the date of which election is fixed by said Charter of the City of Eureka hereinbefore referred to, and which said date was fixed in said resolutions as the date for voting upon said amendments proposed;

That said amendments proposed by Resolutions No. 65-1, 65-2, 65-3, 65-4, and 65-5 were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California; that said amendments proposed by Resolutions No. 65-1, 65-2, 65-3, and 65-4 were published and advertised, as aforesaid, on the 23rd day of February, 1965, and that said amendment proposed by Resolution No 65-5 was published and advertised, as aforesaid, on the 5th day of March, 1965; and that each of said publications was in the Humboldt Standard, a newspaper of general

circulation, printed and published daily except Sunday, within the said City (there being no official newspaper of said city), and in each edition thereof during the said days of publication;

That the said General Municipal Election was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 20th day of April, 1965, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of each of said proposed amendments in said Humboldt Standard, and that at the said election a majority of the qualified voters of said City voted in favor of each of said proposed Charter Amendments and for the adoption thereof; that all of the proceedings for the amendment and ratification of the proposed amendments to the said Charter of said City were had and taken in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and of other applicable State and local laws; and

That the Charter Amendments so ratified by the majority of the qualified electors of said City voting at said General Municipal Election are in the words and figures following, to wit:

CHARTER AMENDMENT RESOLUTION No. 65-1
(Proposition A)

That Section 1003 be added to Article X to read:

"Section 1003. Application of Charter. In the event the city is included within a unified school district, the provisions of this charter shall not apply thereto, and the organization, government and administration of such unified school district shall be as prescribed by the Education Code of the State."

CHARTER AMENDMENT RESOLUTION No. 65-2
(Proposition B)

That Section 912 of Article IX be amended to read:

"Section 912. Procedures. The City shall have the power to and may act pursuant to any procedure established by any law of the State, unless a different procedure is required by this Charter."

CHARTER AMENDMENT RESOLUTION No. 65-3
(Proposition C)

That Section 203 of Article II be amended to read:

"Section 203. Procedure for Holding Elections. Unless otherwise provided by ordinances hereafter enacted, all municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended or superseded, for the holding of elections in general law cities, insofar as the same are not in conflict with this Charter."

CHARTER AMENDMENT RESOLUTION NO. 65-4
(Proposition D)

That Section 510 of Article V be amended to read:
"Section 510. Boards and Commissions. The Council may create advisory or appellate boards and commissions, prescribe their duties, and fix their compensations, if any. The members thereof shall be appointed by the Mayor, with the approval of the Council."

CHARTER AMENDMENT RESOLUTION NO. 65-5
(Proposition E)

That Section 308 of Article III be amended to read:
"Section 308. Amendment of Ordinances. No ordinance shall be amended by reference to its title only; but the section or subsection thereof to be amended shall be re-enacted at length, as amended."

We further certify that the foregoing proposed and ratified amendments to the Charter of the City of Eureka are full, true and exact copies of the said proposed amendments to the Charter of the said City submitted to the electors, and is a true statement of the proceedings had for adoption of the said amendments to said Charter.

In witness whereof, we have hereunto set our hands and hereunto affixed the official seal of the City of Eureka, this 18th day of May, 1965.

(SEAL)

FRED F. THEVENIN
Mayor of the City of Eureka
RUBY C. SHANAHAN
City Clerk of the City of Eureka

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the charter of the City of Eureka, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the charter of the City of Eureka.

CHAPTER 142

Senate Concurrent Resolution No. 29—Relating to the fiscal operations of the California State Colleges.

[Filed with Secretary of State June 18, 1965.]

WHEREAS, The Master Plan for Higher Education strongly recommended that the Trustees of the California State Colleges be granted a high degree of control and discretion in the conduct of financial affairs for the State Colleges; and

WHEREAS, The Donahoe Act implemented the Master Plan for Higher Education by establishing the Trustees of the California State Colleges as the governing board for the State Colleges with full responsibility for all educational and financial affairs; and

WHEREAS, The Legislature by adopting Senate Concurrent Resolution No. 16, Resolution Chapter 24 of the 1960 First Extraordinary Session, expressed clearly its intent that the trustees should have authority commensurate with their responsibility; and

WHEREAS, Said resolution provided specifically that "the trustees of the state college system shall be given a large degree of flexibility in determining the most effective use of funds . . ." and " . . . it is the desire and intention of the Legislature that budget bills . . . shall provide for the state college system certain exemptions from fiscal and budgetary controls similar to those exemptions presently granted to the University of California"; and

WHEREAS, The Coordinating Council for Higher Education in its annual budget report to the Governor and the Legislature recommended that positive action be taken in an orderly manner to permit the trustees to fulfill their legitimate aspirations under the Donahoe Act and Senate Concurrent Resolution No. 16, within the framework of the Master Plan for Higher Education; and

WHEREAS, The Legislature implemented Senate Concurrent Resolution No. 16, in part, by adding Section 31.5 to the annual budget bill, as recommended by the Trustees of the California State Colleges in cooperation with the Office of the Legislative Analyst and the Department of Finance; and

WHEREAS, The trustees have complied with a prerequisite for implementing Senate Concurrent Resolution No. 16 by adopting and placing into effect an improved system of budgetary reporting consistent with the national standard of budgeting in institutions of higher education; and

WHEREAS, The Legislature recognizes that the Trustees of the California State Colleges deserve and should have greater fiscal autonomy within the statutes of the State of California and consistent with the principles of demonstrated fiscal responsibility and the constitutional duties and obligations of the Legislature and the Governor; and

WHEREAS, The Legislature firmly believes that fiscal flexibility is an integral part of the responsible operations of institutions of higher learning and is considered the hallmark necessary to enrich the diversity of higher education; and

WHEREAS, The Legislature has a continuing interest in the development of sound fiscal policies and administrative procedures which will assure that the trustees charged with the governance of the nation's largest system of public higher education have adequate authority to resolve the complex and difficult educational and fiscal problems encountered in meeting the growth and quality needs of the California State Colleges; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature does hereby direct the Joint Legislative Budget Committee to study the subject of fiscal and budgetary restrictive controls on matters relating to the administration and operation of the California State Colleges; and be it further

Resolved, That the Joint Legislative Budget Committee, working with the Trustees of the California State Colleges, the Office of the Legislative Analyst, and the Department of Finance, report its findings and recommendations for fully implementing the language of Senate Concurrent Resolution No. 16 (1960 First Extraordinary Session; Chapter 24) to the Legislature not later than the fifth legislative day of the 1966 Regular Session.

CHAPTER 143

Senate Concurrent Resolution No. 83—Relative to municipal industrial revenue bond financing.

[Filed with Secretary of State June 18, 1965.]

WHEREAS, The use of municipal revenue bonds to finance the acquisition or construction of land, buildings, facilities and equipment, to be leased to private interests for manufacturing, assembling, fabricating, or processing articles, is spreading among the several states and their respective political subdivisions; and

WHEREAS, Section 31, Article IV of, and Section 13, Article XII of, the California Constitution expressly prohibit the use of public credit to aid private enterprise; and

WHEREAS, California's unprecedented growth is taxing the borrowing capacity of the state and its political subdivisions to provide the necessary public improvements for an ever-expanding population; and

WHEREAS, Full employment for California's population and adequate income to finance state and local government must be based on a healthy industrial expansion and a favorable business climate; and

WHEREAS, Municipal industrial revenue bonds are not issued for a necessary public purpose and their continued use might lead to a weakening of the doctrine of reciprocal immunity, thereby jeopardizing the ability of states and their political subdivisions to preserve the exemption of interest on their bonds from federal taxation and consequently greatly increase the cost of borrowing; and

WHEREAS, States and their political subdivisions are competing to entice industry to locate within their boundaries by the municipal industrial revenue bond device, but inducements to industry which may provide inequality in treatment between one taxpayer and another are contrary to the American free enterprise system; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the state desires by this resolution to make known its opposition to the issuance of municipal industrial revenue bonds or any legislation that will permit the use of public credit to aid private enterprise, and to any impairment or elimination of the tax-exempt status of municipal bonds under federal law; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the Governor, to the Economic Development Agency, to each county board of supervisors, to each Senator and Representative from California in the Congress of the United States and to the Legislature of every other state of the United States.

CHAPTER 144

Senate Concurrent Resolution No. 37—Relative to state highway routes not having termini at another state highway.

[Filed with Secretary of State June 18, 1965.]

WHEREAS, From time to time the Legislature has added routes to the state highway system that are so-called "stub" routes in that one terminus thereof does not connect with another route on the state highway system; and

WHEREAS, It has been alleged that such routes should not be considered a part of the state highway system if they do not terminate with another highway on such system; and

WHEREAS, Some of such routes terminate at a public facility, such as a state park; and

WHEREAS, There has not been in the past a firm policy in connection with the question of whether or not such routes should be on the state highway system, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is requested to study the matter of "stub" routes being on the state highway system, including those which terminate at a state-owned facility; and be it further

Resolved, That the department is requested to report to the Legislature on this matter not later than the fifth legislative day of the 1966 legislative session; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the Department of Public Works.

CHAPTER 145

Senate Concurrent Resolution No. 76—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951.

[Filed with Secretary of State June 18, 1965]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of six hundred thirty thousand six hundred ninety-one dollars ($630,691) or so much thereof as may be necessary is hereby allocated from the Contingent Funds of the Senate and of the Assembly for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under the authority of the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly.

CHAPTER 146

Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 11½ to Article XIII thereof, relating to personal income taxes.

[Filed with Secretary of State June 23, 1965.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1965 Regular Session commencing on the 4th day of January, 1965, two-thirds of all members elected to each of the two houses of the Legislature voting in favor thereof, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 11½ to Article XIII thereof, to read:

SEC. 11½. The Legislature may simplify the reporting and collection of California personal income taxes, notwithstanding any other provision of this Constitution, by reference to any provision of the laws of the United States as the same may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

As used in this section "any provision of the laws of the United States" includes a reference to the amount of any federal tax on in respect to or measured by personal income which is computed under any provision of federal law.

CHAPTER 147

Assembly Joint Resolution No. 30—Relative to designating the Shasta daisy as the National Flower.

[Filed with Secretary of State June 23, 1965.]

WHEREAS, Some years ago Luther Burbank, the world-famous American horticulturist, developed a flower of unique beauty and prolific growth, the Shasta daisy; and

WHEREAS, This creation may be grown in all areas of the United States; and

WHEREAS, It is not used as a floral emblem by any of our states or any other country; and

WHEREAS, The designation of the Shasta daisy as the National Flower of the United States of America would honor the memory of Luther Burbank, whose 3,000 plant creations added substantially to the beauty and productivity of gardens and farms throughout the world; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is requested to designate the Shasta daisy as the official floral emblem of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 148

Assembly Joint Resolution No. 42—Relative to merchant marine policy.

[Filed with Secretary of State June 23, 1965.]

WHEREAS, The experience of two world wars and subsequent emergencies has proven that a strong American flag merchant marine is essential to our national defense; and it is a vital factor in the economy of our nation, state and individual communities, providing jobs, encouraging a favorable trade balance and stemming the gold drain; and

WHEREAS, United States ships today carry less than 9 percent of total United States waterborne foreign commerce because of the failure of our government to give our merchant

marine the support and protection which every other maritime nation gives its ships; and

WHEREAS, The active American flag merchant marine today consists of some 900 vessels—fewer than we had before World War II—and our shipbuilding capacity likewise is smaller than before the war, while the dangers we confront and the responsibilities we have undertaken in the world steadily mount; and

WHEREAS, The Soviet Union has risen to a position nearly equal to, if not actually surpassing, our own maritime strength and is feverishly building to fulfill its vow that it will become the greatest maritime power in the world by 1970, while we let our maritime strength continue to dwindle; and

WHEREAS, The concern of many responsible officials of government has been directed not toward improving the dangerous and deplorable state of our merchant marine, but rather toward further curtailing necessary expenditures for this merchant marine and weakening the already inadequate safeguards which have been established for it; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States urging all action to fulfill the objectives of the Merchant Marine Act of 1936 which made it national policy that the United States shall have a merchant marine, citizen owned, citizen manned and under the United States Flag, adequate to the commercial and industrial needs and responsibilities of this nation, adequate to serve as an auxiliary of the armed service and adequate to express our strength and prestige as a leader of the free world; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 149

Assembly Joint Resolution No. 43—Relative to memorializing Congress to enact legislation relative to the repeal of federal excise taxes on women's handbags, toilet preparations, costume jewelry and luggage.

[Filed with Secretary of State June 23, 1965.]

WHEREAS, The present excise tax on women's handbags, toilet preparations, costume jewelry and luggage was initially imposed as a World War II tax measure to discourage the purchasing of luxury items deemed such because their production did not contribute to the war effort; and

WHEREAS, Nearly 20 years have elapsed since World War II and the reason for the imposition of the tax on the named articles no longer exists; and

WHEREAS, Handbags and costume jewelry are a necessary part of women's dresswear, luggage is a necessity, and toilet preparations are accepted as essential for good grooming for both men and women, and such preparations have been scientifically developed for protection of the skin as well as for their esthetic value; and

WHEREAS, By reason of the outmoded excise taxes on women's handbags, toilet preparations, costume jewelry and luggage, such taxes have become discriminatory and unjust and should be repealed; and

WHEREAS, The federal executive branch has expressed intent to recommend legislation for repeal of excise taxes on such essential items; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Ways and Means Committee of the United States House of Representatives, the Honorable Wilbur D. Mills presiding, be urged to favorably consider and recommend for passage all bills seeking to bring about repeal of excise taxes on women's handbags, toilet preparations, costume jewelry and luggage; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 150

Assembly Concurrent Resolution No. 33—Relative to branch Personnel Board offices at Fresno, San Bernardino, and San Diego.

[Filed with Secretary of State June 23, 1965.]

WHEREAS, The steady population growth in California has created an attendant expansion of state activities to meet the demands of the increased populace; and

WHEREAS, The State Personnel Board does not have any field offices in the Cities of Fresno, San Bernardino, and San Diego; and

WHEREAS, The areas of each of these cities have large population increases, provide extended state services, and contain a great number of state offices and employees; and

WHEREAS, Establishment of field offices by the State Personnel Board in each of the three cities will provide not only easily accessible localized outlets for public information service, including job counseling, but will also aid the state in recruiting and maintaining qualified state employees; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legisla-

ture request the State Personnel Board and the Director of Finance to study the need and feasibility of establishing State Personnel Board field offices in the Cities of Fresno, San Bernardino, and San Diego; and be it further

Resolved, That the State Personnel Board and the Director of Finance report their findings to the Assembly and the Senate no later than the fifth legislative day of the 1966 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Personnel Board and to the Director of Finance.

CHAPTER 151

Assembly Concurrent Resolution No. 85—Relative to establishment of a veterinary medical school in southern California.

[Filed with Secretary of State June 23, 1965.]

WHEREAS, There is only one veterinary medical school in the entire southwestern United States; and

WHEREAS, Only one-fourth of the veterinarians required by California are trained in this state, and the other three-fourths must be imported from other states; and

WHEREAS, The current shortage of veterinarians will increase as the population increases; and

WHEREAS, Over 10,000 more veterinarians will be required in the United States by 1980 than are being supplied by present schools; and

WHEREAS, The number of veterinarians required by California cannot be met by plans to expand the school at Davis; and

WHEREAS, The veterinary school at Davis receives six times as many applications as it can accept; and

WHEREAS, It is almost impossible for Californians to enter a veterinary school in other states, as they give priority to their own citizens; and

WHEREAS, The Congress of the United States has recognized the need for increased veterinary-medical education and is considering several bills for the construction of new veterinary medical schools and expansion of existing facilities; and

WHEREAS, These bills provide $15,000,000 for three consecutive years, a total of $45,000,000, which if approved, will be appropriated on the basis of two-thirds of the construction costs in federal funds and one-third in matching funds therefor; and

WHEREAS, Southern California is one of the largest dairy centers in the world, with over 250,000 milking cows producing 250 million pounds of milk per month. Around 2,000,000 head of beef cattle are slaughtered there, about half of which are

fattened in the area. Also 196,000,000 eggs, 11,000,000 fryers, and 3,500,000 turkeys are produced per year. There are approximately 641,500 dogs, 682,000 cats and more than 2,500,000 birds and 70,000 horses in riding stables in Los Angeles County alone; and

WHEREAS, The economic contribution of the veterinarian in protecting the health of these animals is of tremendous importance to the state; and

WHEREAS, The control by veterinarians of such diseases as brucellosis, foot-and-mouth disease, Texas cattle fever, contagious pleuropneumonia, tuberculosis and hog cholera, is essential for the continuation of these industries; and

WHEREAS, A large number of diseases are transmitted from animals to man, and the control of these diseases such as tuberculosis, undulant fever, trichinosis, ringworm, rabies, beef and pork tapeworm, tularemia, hookworm, echinococcus, toxoplasmosis, plague, anthrax, glanders encephalitis, yellow fever, Rocky Mountain spotted fever, murine typhus, Q fever, leptospirosis and many others, by veterinarians, is essential for the protection of the public health; and

WHEREAS, There are five racetracks in southern California which make a tremendous contribution to the State Treasury with, at present, little or no research by the state to improve the health and welfare of the horses producing these funds; and

WHEREAS, A major zoo is being developed in Los Angeles, another is in San Diego, and there will be a major need for research concerning the health and welfare of the zoo animals; and

WHEREAS, Veterinarians make a major contribution to public health through inspection of meat, poultry, milk and other food products; and

WHEREAS, Many discoveries by veterinarians are used in treating humans, examples are: dicumerol to treat heart attacks; the mechanism of botulism, making the food can industry possible; the transmission of disease by insects, which has led to control of malaria, yellow fever, plague and typhus; the growth of viruses in eggs, which has provided the vaccines for influenza, rabies, yellow fever, typhus and Rocky Mountain spotted fever; and

WHEREAS, The protection of the health and welfare of laboratory animals by veterinarians is essential for the progress of medical science; and

WHEREAS, There is a need for combined research programs between a veterinary medical school and a medical school, such as in the field of surgery inside the heart; and

WHEREAS, There is a cultural, scientific, economic and educational vacuum concerning veterinary medicine in southern California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members thereof request the Regents of the University of California to investigate the

feasibility of establishing a veterinary medical school in southern California, and to investigate the most appropriate location of such a school, and to develop an outline of a program for the establishment of such a school including a rough estimate of costs for construction; and be it further

Resolved, That the regents be requested to report the results of this investigation to the 1966 session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Regents of the University of California.

CHAPTER 152

Assembly Concurrent Resolution No. 92—Relative to an antitheft device for automobiles.

[Filed with Secretary of State June 23, 1965.]

WHEREAS, In 1963, 399,000 automobiles were stolen in the United States, and, in 1964, 75,793 cars were stolen in California; and

WHEREAS, F.B.I. statistics show the average value of cars stolen is $927, and thus a total of about $70.000,000 worth of automobiles was stolen in California in 1964; and

WHEREAS, In about one-third of the automobile theft cases are arrests made; and

WHEREAS, Approximately 500,000 man-hours are required in California to recover stolen automobiles and prosecute the thieves; and

WHEREAS, Hundreds of thousands of dollars are lost due to damage to stolen cars; and

WHEREAS, The resulting increase in insurance rates places an added burden on automobile owners; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the automobile manufacturers in the United States be urged to develop and install effective antitheft devices in all of their manufactured motor vehicles.

CHAPTER 153

Assembly Concurrent Resolution No. 101—Relative to directing the Joint Legislative Budget Committee to study the financial stability of the Judges' Retirement Fund.

[Filed with Secretary of State June 23, 1965.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee is directed to study the financial stability of the Judges' Retirement Fund and submit a report of its findings

thereon with its recommendations for appropriate legislation to the Legislature by the fifth legislative day of the 1966 Budget Session; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to members of the Joint Legislative Budget Committee.

CHAPTER 154

Assembly Concurrent Resolution No. 109—Relative to providing refresher courses in driver education for the older persons in California.

[Filed with Secretary of State June 23, 1965.]

WHEREAS, Many older Californians live in areas where public transportation is not available; and

WHEREAS, Many older drivers have expressed a need for current information of changes in traffic laws and procedures; and

WHEREAS, This vital problem is increasing due to the growing numbers of older persons; and

WHEREAS, A voluntary program in driver education specifically designed for the older driver would be of significant value in informing these persons of recent changes in the traffic laws; and

WHEREAS, This program would not only inform, but would give the older person more security and self-assurance in driving; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Motor Vehicles, the Bureau of Adult Education of the Department of Education, and the Citizens' Advisory Committee on Aging, undertake jointly a study of how older persons may best be informed, and if necessary, retrained in their driving skills in order to insure their safety and security while driving and submit a report to the Legislature not later than the 15th legislative day of the 1966 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Directors of the Departments of Motor Vehicles and Education, and to the Citizens' Advisory Committee on Aging.

CHAPTER 155

Assembly Concurrent Resolution No. 141—Relative to using state construction expenditures to relieve unemployment.

[Filed with Secretary of State June 23, 1965.]

WHEREAS, The Legislature recognizes the need to study the use of the state budget as a tool to counteract unemployment

in specific areas of the state facing severe dislocation and hardship; and

WHEREAS, Such a study could result in the development of criteria which could be used to help relieve joblessness and at the same time would be consistent with legislative objectives in program areas; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Finance, in cooperation with the office of the Legislative Analyst, is requested to study the possibility of developing criteria for systematic allocation of state construction projects to areas of greatest economic need, consistent with basic program objectives; and be it further

Resolved, That the study shall include a review of construction projects which might be needed during periods of severe economic dislocation; and be it further

Resolved, That the Department of Finance and the Legislative Analyst are requested to report their findings and recommendations to the Legislature on or before the fifth legislative day of the 1967 Regular Session.

CHAPTER 156

Assembly Concurrent Resolution No. 68—Relative to the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964.

[Filed with Secretary of State June 25, 1965.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the policy of the Legislature with respect to projects under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 which involve the acquisition of real property for the state park system and the minimum development of real property acquired for the state park system, that:

(a) Prime agricultural land shall not, if possible, be acquired or used.

(b) Each project, prior to its submission to the Legislature, shall have been submitted to the board of supervisors of each county in which any portion of the project is located for the comments of the board of supervisors; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Resources Agency Administrator.

CHAPTER 157

Assembly Concurrent Resolution No. 108—Relative to motor vehicle records.

[Filed with Secretary of State June 25, 1965.]

WHEREAS, The provisions of Section 1811 of the Vehicle Code authorize the Department of Motor Vehicles to sell certain information from its records to interested private individuals; and

WHEREAS, Reports and lists of the issuance of registration and drivers' licenses to individuals are sold at cost in the furtherance of normal commerce; and

WHEREAS, The incidence of vehicle ownership and licensing of drivers is of legitimate interest to commercial enterprise; and

WHEREAS, One of the information reports prepared by the department provides law enforcement agencies of the state a listing of persons who have had their driving privileges suspended or revoked; and

WHEREAS, This listing has also been sold to private individuals who have used the information for business solicitation purposes; and

WHEREAS, This practice has led to much complaint from the subjects of such listing and to much embarrassment on the part of the Department of Motor Vehicles and certain California drivers; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the listings of persons who have been the subjects of departmental actions of a penalty nature shall not be sold for commercial purposes; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Motor Vehicles.

CHAPTER 158

Assembly Joint Resolution No. 38—Relative to funds for tax relief and alcoholic rehabilitation.

[Filed with Secretary of State June 25, 1965.]

WHEREAS, Alcohol misuse and alcoholism is continuing to cause untold misery and great economic waste among the people of the State of California; and

WHEREAS, Alcohol misuse and alcoholism contribute in great amount to the burden of law enforcement, the courts and custodial facilities, and the cost of social welfare in California, at the state, county and municipal levels; and

WHEREAS, Alcoholism is considered to rank fourth among health problems in the United States, behind mental health, heart disease and cancer; and

WHEREAS, The cost attributable to alcohol misuse and alcoholism in California at the levels of state, county and city governments is estimated to be in excess of $160,000,000 annually; and

WHEREAS, The State of California has further expended millions of tax dollars each year since 1954 in an attempt to rehabilitate persons afflicted with the problems of alcohol misuse and alcoholism; and

WHEREAS, The taxpayers of the State of California are excessively burdened and need relief in order to provide for improved alcohol educational material for schoolchildren and instructional material for teachers in addition to improved and more effective rehabilitation programs for alcoholics and victims of alcohol misuse; and

WHEREAS, The federal government receives an estimated 90 percent of all tax revenues from alcoholic beverages manufactured, distributed, sold and purchased in the State of California; and

WHEREAS, The federal government's portion of the alcoholic beverage taxes for the 1964–1965 fiscal year is estimated to be in excess of $450,000,000; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress of the United States is respectfully requested to enact legislation providing for the retention of 5 percent of the alcoholic beverage tax revenue by the states of origin for the purpose of alleviating the burden of the taxpayers of the states and to permit expanded and more vigorous programs of alcohol education and prevention and alcoholic rehabilitation, provided that the states which are recipients of this tax relief shall maintain a program of education and alcoholic rehabilitation and that the proceeds from such tax relief shall be divided in each state on an equitable and proportionate basis among the state, county and city governments; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the President of the United States, the President pro Tempore of the Senate, the Speaker of the House of Representatives, to each Senator and Representative in the Congress of the United States and to each board of supervisors and mayor and city council in the State of California.

CHAPTER 159

Assembly Constitutional Amendment No. 42—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending the first paragraph of Section 5 and subdivision 1 of Section 7½ of Article XI thereof, relating to the compensation of county officers.

[Filed with Secretary of State June 26, 1965.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1965 Regular Session commencing on the fourth day of January, 1965, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First, that the first paragraph of Section 5 of Article XI be amended to read:

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It may regulate the compensation of grand and trial jurors in all courts in the respective counties and for this purpose may classify the counties by population. Each board of supervisors shall fix the compensation to be paid to members of the board; provided that such action shall be subject to the referendum. The boards of supervisors in the respective counties shall also regulate the compensation of all officers in said counties, and shall regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the counties. The compensation prescribed by law for the members of a board of supervisors shall continue to be paid to such members until their compensation is fixed pursuant to this section.

Second, that subdivision 1 of Section 7½ of Article XI be amended to read:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, and for their election, either by the electors of the counties at large or by districts; provided, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof, and provided, further, that each board of supervisors shall fix the compensation to be paid to members of the board, but the compensation payable to the members of the board pursuant to the

county charter shall continue to be paid to such members until their compensation is fixed pursuant to this subdivision; and

---

CHAPTER 160

Assembly Constitutional Amendment No. 57—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 13 of Article XII thereof, relating to investment of retirement funds.

[Filed with Secretary of State June 26, 1965.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1965 Regular Session commencing on the fourth day of January, 1965, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 13 of Article XII thereof to read:

SEC. 13. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the state and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when such stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and such holding of such stock shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.

Notwithstanding provisions to the contrary in this section and Section 31 of Article IV of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13901 of the Education Code, or any successor thereto, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended, but such registration shall not be required with respect to the following stocks:

1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars ($50,000,000);

2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars ($50,000,000);

3) Any preferred stock

b. Such corporation has total assets of at least one hundred million dollars ($100,000,000);

c. Bonds of such corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund, and there are no arrears of dividend payments on its preferred stock;

d. Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 31 of Article IV of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13901 of the Education Code, or any successor thereto, in stock or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars ($50,000,000); provided, however, that the total investment in such stocks and shares, together with stocks and shares of all other corporations may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

CHAPTER 161

Senate Concurrent Resolution No. 56—Relative to scenic highways.

[Filed with Secretary of State June 28, 1965.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works shall, with the advice of the Advisory Committee on a Master Plan for Scenic Highways, make a report of progress and recommendations to the Legislature relating to the state scenic highway system, including, but not limited to, recommendations for legislation relating to the state scenic highway program, as soon as possible after the adoption of this resolution by the Legislature and annually, thereafter, no later than

the fifth legislative day of each regular session of the Legislature; said report shall also contain the recommendations of the Advisory Committee on a Master Plan for Scenic Highways concerning such matters; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Director of Public Works and each member of the Advisory Committee on a Master Plan for Scenic Highways.

CHAPTER 162

Assembly Concurrent Resolution No. 160—Relating to the Honorable Nelson Dilworth.

[Filed with Secretary of State June 28, 1965.]

WHEREAS, One of California's most venerable citizens, Nelson Dilworth, will celebrate his 75th birthday on June 27, 1965; and

WHEREAS, Nelson Dilworth served his district and the State of California with outstanding ability and dedication as an elected representative for 22 years; in the Assembly for 8 years, from 1937 through 1944, and in the Senate for 14 years from 1945 through 1958, during which time he was renowned as a pillar of strength and integrity; and

WHEREAS, In recognition of the excellent representation he gave his district, he was consistently reelected until he chose to retire; and

WHEREAS, He has been a resident of California since 1897, moving to the Coachella Valley in 1902, and residing in Hemet since 1915; and

WHEREAS, He served his country in France with the United States Army during World War I; and

WHEREAS, He has received the Freedom Foundation's Award several times, and has served as a valued member of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Sons of the American Revolution, Lions Club and Gideon; and

WHEREAS, He continues to maintain his interest in the government of his state and, as a farmer, contributes to the welfare of California, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Honorable Nelson Dilworth is heartily congratulated on his 75th birthday and wished many years of good health and happiness; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mr. Dilworth.

CHAPTER 163

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 1 of Article II thereof, relating to the right to vote.

[Filed with Secretary of State June 29, 1965.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1965 Regular Session commencing on the fourth day of January, 1965, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 1 of Article II thereof, to read:

SECTION 1. Every native citizen of the United States of America, every person who shall have acquired the rights of citizenship under and by virtue of the Treaty of Querétaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the state one year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 54 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 54 days, or any person duly registered as an elector in any county in California and removing therefrom to another county in California within 90 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who on June 27, 1952, was at least 50 years of age and a resident of the Unted States for periods totaling at least 20 years, provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

CHAPTER 164

Assembly Joint Resolution No. 22—Relative to social security benefits.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, Present federal law limits the annual earnings of a social security recipient to $1,200; and

WHEREAS, This amount, combined with the recipient's benefit payments, is totally inadequate to enable the recipient to meet his needs; and

WHEREAS, Legislation is now pending in Congress, which would increase the total permissible annual earnings to $2,400, and which would enable the great majority of recipients to become self-supporting; and

WHEREAS, Enactment of this legislation will greatly reduce public assistance rolls, since many social security recipients are now compelled to rely on public assistance to implement their grants; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the Congress to enact legislation to permit social security recipients to earn up to $2,400 per year, without reduction in their benefit payments; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 165

Assembly Joint Resolution No. 32—Relative to synthetic sweeteners.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, Serious questions of public health have been raised by the increase in the use of nonnutritive, synthetic sweetening agents, especially by the so-called cyclamates and by mixtures of the cyclamates and saccharin; and

WHEREAS, The advertising and promotion of synthetic sweetening agents may lead the public to believe that the indiscriminate use of artificially sweetened foods and beverages is an acceptable practice regardless of the age or state of health of persons who consume them; and

WHEREAS, The Food Protection Committee of the Food and Nutrition Board, National Research Council-National Academy of Sciences has stated:

(1) "While studies made on the toxicology and pharmacology of cyclamate indicate that this substance is relatively nontoxic, it must be borne in mind that in the human there has been study of its effects only in human males. There has not yet been extensive controlled study of its use by people in various physiological states. Further study of and experience with cyclamate will permit added confidence in evaluating the safety of the chemical for general use";

(2) "Additional information on the physiology of excretion of cyclamate is needed. Study of renal clearance is especially pertinent since we have no data on the effects of the use of cyclamate during pregnancy, in children, or in cases of renal dysfunction. Observations on mammary secretion of cyclamate would be of value. The possibility of deleterious effects in cases of lower bowel disease should be considered";

(3) "There is a lack of data on the relation of body weight to response to specific dosage of cyclamate. Thus, it is not at present possible to get a first approximation of the 'tolerance' of children for the material. The question of adaption to the laxative effect of cyclamate is unanswered"; and

WHEREAS, The advertising and promotion of synthetic sweetening agents may lead the public to believe that artificially sweetened foods, including soft drinks, can be used to bring about a reduction in weight, or to control weight, without any other dietary adjustments; and

WHEREAS, The Food and Nutrition Board of the National Research Council-National Academy of Sciences has stated:

"There is no clear justification for the use of artificial sweeteners by the general public as a weight reducing procedure, even though sweet tasting food is recognized as giving a 'lift' to many individuals, and even though the substitution of a nonnutritive sweetener for sugar does decrease the caloric value of the foods in question. It is emphasized strongly that the availability and consumption of artificially sweetened foods have no direct influence on body weight, nor are the food stuffs in question of any importance in weight reducing programs except as they are used in feeding regimens in which the total energy intake is supervised and controlled."; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature requests all agencies of the state government concerned with matters of public health to reexamine their current position with respect to the indiscriminate consumption of artificial sweeteners; that the Federal Food and Drug Administration make clear its position that foods and beverages containing synthetic sweeteners are special purpose foods not intended for unrestricted consumption by persons of all ages and in all conditions of health; that the Federal Trade Commission take appropriate action against advertising and promotion which states or implies that foods and beverages containing synthetic sweeteners are, in themselves, effective in weight reduction or weight control; and

that all agencies of the state and federal government be alerted to the need for extensive research on the effects of large scale consumption of synthetic sweetening agents on humans in various physiological states; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, Federal Food and Drug Administration, Federal Trade Commission, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 166

Senate Concurrent Resolution No. 35—Relative to snow removal on the roadway to Squaw Valley.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, The major purpose of the road from State Highway Route 89 to Squaw Valley is to enable motorists to get to the state park located in the valley; and

WHEREAS, It would appear that because of this there is a a statewide interest in the road; and

WHEREAS, The costs of removing snow from the road are substantial and it is difficult for the County of Placer to pay for this activity; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Parks and Recreation is requested to study the proposal that the road leading from State Highway Route 89 to Squaw Valley State Park be taken into the state park system; and be it further

Resolved, That the department is requested to report to the Legislature on this matter not later than the fifth legislative day of the 1966 legislative session; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the Director of the Department of Parks and Recreation.

CHAPTER 167

Senate Concurrent Resolution No. 55—Relative to air pollution standards.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, The Department of Public Health is responsible for the establishment of standards for the quality of air of this state in accordance with Section 426.1 of the Health and Safety Code; and

WHEREAS, The Department of Public Health is also responsible for the establishment of maximum allowable emissions of contaminants from motor vehicles in accordance with Section 426.5 of the Health and Safety Code; and

WHEREAS, The Department of Public Health has established air quality standards for "photochemical pollutants," carbon monoxide, ethylene, hydrogen sulfide, particulate matter, and sulfur dioxide; and

WHEREAS, The Department of Public Health has established standards defining the maximum allowable motor vehicle emissions of hydrocarbons, carbon monoxide and smoke from the exhaust systems and for hydrocarbon emissions from the crankcase, from the fuel tank, and from the carburetor; and

WHEREAS, The Department of Public Health is further directed to revise the standards from time to time as technical information indicates the need for such revision; and

WHEREAS, Oxides of nitrogen are involved in the photochemical smog reaction; and increased nitrogen dioxide concentrations may cause discoloration of the atmosphere and adverse health effects; and

WHEREAS, Motor vehicles are a major source of oxides of nitrogen; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Health is directed as follows:

1. To establish ambient air quality standards for oxides of nitrogen and establish standards defining maximum allowable emissions for oxides of nitrogen from motor vehicles as may be found necessary for the protection of the public health and well-being.

2. To render a progress report on all aspects of nitrogen oxides in air pollution to the Senate Fact Finding Committee on Transportation and Public Utilities and the Assembly Interim Committee on Transportation and Commerce by July 1, 1965.

3. To report to the Motor Vehicle Pollution Control Board by December 1, 1965.

4. To report to the Legislature on or before the fifth legislative day of the 1966 Budget Session; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of the Department of Public Health.

CHAPTER 168

Senate Concurrent Resolution No. 60—Relative to motor vehicle pollution.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, The Motor Vehicle Pollution Control Board and a program to control motor vehicle-created air pollution were authorized by the California Legislature in 1960; and

WHEREAS, The Motor Vehicle Pollution Control Board has proceeded in accordance with legislative directive with the initiation of a control program for crankcase devices on both new and old vehicles and for exhaust devices on new cars; and

WHEREAS, The board has not yet proceeded to initiate a control program for exhaust devices on used vehicles; and

WHEREAS, The largest source of motor vehicle-created air pollution is from the exhaust of older vehicles; and

WHEREAS, It is essential to control hydrocarbons and carbon monoxide emitting from the tailpipes of used motor vehicles, if there is to be an appreciable and noticeable improvement in air quality of our cities; and

WHEREAS, Legislative committees have heard testimony to the effect that economical, practical exhaust control devices suitable for used vehicle installation are now in the developmental stage by private industry; and

WHEREAS, The ultimate success of the program to control motor vehicle-created air pollution is dependent upon early action to approve and certify exhaust devices for used motor vehicles; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Motor Vehicle Pollution Control Board is requested to proceed with the rapid implementation of the control program by testing exhaust control devices suitable for application to used vehicles as soon as they become available for such tests; and be it further

Resolved, That the board take into consideration the need for control of fumes from the exhaust of used vehicles in relation to the effect of air pollution on public health; and be it further

Resolved, That the board should proceed as rapidly as possible in approving and certifying such exhaust control devices consistent with its responsibility to protect the interest of the motoring public with respect to the economic and practical feasibility of such devices; and be it further

Resolved, That the board render a progress report concerning a control program for exhaust devices on used cars to the Senate Fact Finding Committee on Transportation and Public Utilities and the Assembly Interim Committee on Transportation and Commerce by July 1, 1965; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Motor Vehicle Pollution Control Board.

CHAPTER 169

Senate Concurrent Resolution No. 75—Relative to a study of construction standards for mobilehomes.

[Filed with Secretary of State June 29, 1965]

WHEREAS, The mobilehome industry has become an important factor in providing low-cost housing; and

WHEREAS, The Division of Housing enforces the state law affecting plumbing, heating and electrical equipment and installation in mobilehomes; and

WHEREAS, There are presently no standards or codes regulating other phases of mobilehome construction; now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Chief of the Division of Housing shall and he is hereby requested to prepare additional construction code regulations, soliciting the cooperation of and consulting with the mobilehome industry and other interested parties; and be it further

Resolved, That the Chief of the Division of Housing shall report the findings of this study, together with suggestions for proposed regulations, to the Legislature not later than the fifth legislative day of the 1967 Regular Session of the Legislature.

CHAPTER 170

Senate Concurrent Resolution No. 89—Relative to studying a proposed trans-Sierra highway near Minarets Summit.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, The great San Joaquin Valley, with its growing population of 1½ million people, is a major producer and supplier of agricultural products and manufactured goods which have a major market east of the Sierra Nevada Mountains; and

WHEREAS, There is no direct all-weather trans-Sierra highway connecting the central part of the great San Joaquin Valley with the areas east of the Sierra Nevada Mountains; and

WHEREAS, The closest trans-Sierra crossings to this central California area are State Highway Legislative Route 50 on the north and State Highway Legislative Route 178 on the south, which are separated by a distance of approximately 250 miles; and

WHEREAS, The absence of a direct trans-Sierra crossing reduces the aforementioned potential market to the east for products grown and manufactured in the great San Joaquin Valley and likewise reduces the potential market for eastern goods within such valley; and

WHEREAS, Construction of a central California trans-Sierra crossing would reduce the mileage from central California to Salt Lake City, Denver, and other points to the east by approximately 200 miles if this crossing were extended westward to Interstate 5 in the vicinity of Los Banos, California, and eastward to connect with an extension of Interstate 70 which now runs from the Washington-Baltimore area to the vicinity of Cove Fort, Utah; and

WHEREAS, Present indications are that both the States of Nevada and Utah wish to cooperate in the fullest in the aforementioned extension of Interstate 70 to Interstate 5 in California; and

WHEREAS, A wilderness corridor through Mammoth Pass near Minarets Summit for such a trans-Sierra crossing has been generally recognized since about 1928; and

WHEREAS, The desirability of this trans-Sierra crossing in this location was recognized by this Legislature in its Assembly Joint Resolution No. 5 adopted in 1955 and in its Senate Joint Resolution No. 43 adopted in 1961; and

WHEREAS, Pursuant to such resolutions Forest Highway 100 has been constructed, but such highway is incomplete, is built only to forest standards, and there is no more forest money available for it; and

WHEREAS, A highway of higher standards than Forest Highway 100 will probably result in greater vehicle usage than the present estimated minimum of 1,200 vehicles per day in commercial and tourist travel and is needed to preserve and enhance the aesthetic and scenic values of this wilderness region; and

WHEREAS, The only feasible way of completing and improving this tremendously valuable direct trans-Sierra crossing now available is to first obtain its incorporation into the state highway system and then subsequently its incorporation into the interstate highway system through the aforementioned extension of Interstate 70 in Utah to Interstate 5 in California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Department of Public Works is requested to study the feasibility of including in the state highway system the location of a route connecting with Interstate Route 5 west of Los Banos to the California-Nevada state line near Benton Station and via locations near Califa, North Fork, and Minarets Summit; and be it further

Resolved, That the State Department of Public Works is requested to study the feasibility of recommending that such a trans-Sierra highway crossing be included in an extension of the interstate highway system; and be it further

Resolved, That the State Department of Public Works is requested to report to the Legislature as to the results of its study, together with its recommendations, by not later than March 10, 1966; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the Administrator of the Highway Transportation Agency and the Director of the Department of Public Works.

CHAPTER 171

Senate Concurrent Resolution No. 90—Relative to diesel smoke standards.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, The State Department of Public Health has adopted standards in accordance with Section 426.1 of the Health and Safety Code in respect to the necessity of limiting smoke emissions from motor vehicles; and

WHEREAS, Section 24242 of the Vehicle Code prohibits excess smoke from motor vehicles being operated on California streets and highways; and

WHEREAS, The California Motor Vehicle Pollution Control Board has authority to test and approve "devices" including engine modifications which would control motor vehicles so they comply with standards; and

WHEREAS, Another possible method of control of smoke, particularly from diesel-powered vehicles, may include a fuel additive rather than a mechanical device; and

WHEREAS, The Legislature should have authoritative test data on fuel additives as a possible economical means of control of diesel smoke; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Motor Vehicle Pollution Control Board is directed as follows:

1. To test or cause to be tested various diesel fuel additives to determine compliance with state standards, costs, detrimental side effects, if any, and effect on operation of diesel trucks and buses.

2. To cooperate with the California Highway Patrol to determine if such additives would reduce smoke density on diesel equipment below existing enforcement levels for "excessive smoke."

3. Render a progress report concerning the effectiveness of diesel fuel additives to the Senate Factfinding Committee on Transportation and Public Utilities, and the Assembly Interim Committee on Transportation and Commerce by July 1, 1966; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Motor Vehicle Pollution Control Board.

CHAPTER 172

Senate Joint Resolution No. 40—Relative to flood control and water conservation projects.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, The great storms of December 1964 caused widespread flooding along the Sacramento River and its tributaries; and

WHEREAS, This flooding caused extensive damage along the Sacramento River and its tributaries in Tehama and Shasta Counties; and

WHEREAS, The construction of dams and reservoirs on Thomes, Deer, Cottonwood, Mills, and Cow Creeks, and in Antelope Basin would have prevented much of this damage; and

WHEREAS, The Department of Water Resources of the State of California has made studies which indicate that these projects are economically justifiable; and

WHEREAS, In addition to flood control these projects would provide water for local irrigation, recreation, and fish and wildlife beneficial uses; and

WHEREAS, These projects would additionally yield approximately 200,000 acre-feet of water for export at an early date and at a low cost; and

WHEREAS, These projects could be integrated with the federal Central Valley Project; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States, the U.S. Army Corps of Engineers and the Bureau of Reclamation to give high priority to the planning and construction of dams in the upper Sacramento River Basin for flood control, irrigation, recreation, and fish and wildlife enhancement purposes; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate funds to the Bureau of Reclamation for conducting such studies during the next fiscal year; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Chief of the U.S. Army Corps of Engineers, and to the U.S. Commissioner of Reclamation.

CHAPTER 173

Senate Joint Resolution No. 43—Relating to the Federal-Aid Highway Program.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, The national system of interstate and defense highways is being carried rapidly toward completion by the scheduled date of October 1, 1972; and

WHEREAS, The Federal Highway Trust Fund expires on that date; and

WHEREAS, The continuing growth of the nation's population and economy, and of its related transportation needs, gives evidence of need for continuing highway programs after that date; and

WHEREAS, The Federal-Aid Highway Program because of sound financing, long-range planning and orderly construction has been a vital force in the dramatic expansion of the nation's productive capacity and in enhancing the well-being of the citizens of this state and the nation for over 40 years; and

WHEREAS, It is in the national interest that the federal-state relationship that has made this program possible be not terminated in 1972 but rather continued and strengthened; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to authorize and direct the Secretary of Commerce, with the cooperation of the State Highway Departments and through them with the cooperation of the cities and counties, to undertake immediately a study to be completed and reported to the Congress of the United States no later than January 1, 1967, to determine highway needs after 1972, and to recommend to the Congress a federal policy with respect to highways to meet these needs most effectively, and be it further

Resolved, That the study include, but not be limited to, a review of the desirable extent of the national system of interstate and defense highways, the requirements by states of federal-aid primary and secondary or other systems of highways, the street and highway needs in urban areas, the most appropriate basis of sharing the costs among the several levels of government in relation to the interests of each in the several highway systems, the problem of reimbursement for toll or other roads included in the national system of interstate and defense highways, and such other matters as the secretary or the states believe appropriate; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 174

Assembly Joint Resolution No. 13—Relating to water pollution.

[Filed with Secretary of State June 29, 1965]

WHEREAS, The control of pollution of the waters of this nation is fast becoming one of the most pressing problems faced by conservationists desiring to preserve our water resources for the future; and

WHEREAS, Although vast improvement has been made in recent years in many areas in the control of water pollution, there yet remains much which must be done to properly protect the water resources; and

WHEREAS, The ever-increasing pressure of an expanding population has extended the burden of protecting our water purity to every level of civilian and governmental activity; and

WHEREAS, Federal governmental agencies are presently directed, in keeping with the Federal Water Pollution Control Act, to do no more than cooperate with the Department of Health, Education and Welfare in controlling pollution from any property over which the agencies have jurisdiction; and

WHEREAS, The State of California has enacted laws to control pollution of its waters and is endeavoring to maintain high quality water for all beneficial uses; and

WHEREAS, There is a strong belief in California that both federal and state waste discharges should be controlled, and the California State Legislature is now considering such legislation; such legislation to apply to state agencies; and

WHEREAS, In direct implementation of the declared policy of Congress and as necessary to provide effective control of water pollution which may adversely affect the health and welfare of the public, S. 560 and H.R. 982 would require federal agencies to discharge wastes only in compliance with standards established by the Secretary of Health, Education, and Welfare, such standards to be established after consultation with appropriate state officials; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States is memorialized to favorably consider control over federal agencies disposing of wastes into waters of the United States, such as contained in S. 560 and H.R. 982; and be it further

Resolved, That the Legislature of the State of California does not, by the adoption of this resolution, intend that the immediate construction of the San Luis Drain from the San Joaquin Valley to the bay area, both in California, be delayed in any manner whatsoever; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 175

Assembly Joint Resolution No. 28—Relative to the California fishing industry.

[Filed with Secretary of State June 29, 1965]

WHEREAS, There is a definite need to control the pollution of California waters and to revitalize the fishing industry of this state; and

WHEREAS, California was once first in wet fish pack among the states, but has in the last 15 years dropped to fourth place standing among the states; and

WHEREAS, This decline represents a loss of over 12,000 jobs, 35 canneries, 38 fish reduction plants, and 370 boats; and

WHEREAS, The State of California is hard pressed to find new jobs and the United States is launched on a program to develop fisheries as a prime, future source of food from the sea for a burgeoning world population; and

WHEREAS, Present state and federal statutes are inadequate to stop the decline and probable eventual demise of the California fishing industry; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Members of the California Legislature respectfully request the Congress of the United States to study the problems of California's fishing industry; and be it further

Resolved, That Congress act to expand Public Laws 88-309 and 88-498, so as to provide assistance to canneries as well as to fishing boat owners, and to further assist the fishing industry of California; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit copies of this resolution to each Senator and Congressman from California in the Congress of the United States.

CHAPTER 176

Assembly Joint Resolution No. 33—Relative to establishment of a federal water pollution control research facility in California.

[Filed with Secretary of State June 29, 1965]

WHEREAS, Regional research facilities for the conduct of technical investigations, experiments, field studies and training relative to the prevention and control of water pollution are urgently needed to supplement the activities of the Robert A. Taft Sanitary Engineering Center, Cincinnati, Ohio, in providing technical assistance to the states and local agencies on the mounting problems of water pollution control and water resources management; and

WHEREAS, It is both logical and desirable that the Congress of the United States enact legislation for the establishment of several such regional laboratories and research facilities and that a regional research facility be established in California, not only because of the magnitude of water pollution and water quality problems in this state but also for the reason that California agencies have been conducting a substantial portion of water pollution control research at the state level; and

WHEREAS, California is one of the areas of the United States in which the problems of water quality management are both critical and of great magnitude as evidenced by the fact that the state's present population of over 17 million is expected to almost double in the next 20 years and, to make possible this growth, the people of the state recently voted a $1,750,000,000 water bond proposition initiating the greatest water development project ever conceived in any state of the union; and

WHEREAS, California is ideally located for studying the ground water quality problems that are unique to the southwest since one-third of the nation's ground water supplies are developed here and since California has been the forerunner in conserving and augmenting water resources by recharging ground water basins; and

WHEREAS, Ground water problems associated with sea water intrusion also can be studied in California for the reason that 13 ground water basins along the state's coastline already have been damaged by the encroachment of saline waters and other basins are now being threatened; and

WHEREAS, California has the added geographical advantage of being situated where studies of marine waste disposal problems can be undertaken since two-thirds of the state's sewage and industrial wastes are discharged into ocean waters; and

WHEREAS, The state has, in its colleges and universities, institutions of higher learning that provide graduate education in the fields of research to be carried out in the proposed regional research facilities; and

WHEREAS, The colleges and universities of California are carrying on very extensive research activities in the field of water pollution control which engage a large number of resident graduate students and sanitary engineers; and

WHEREAS, A research facility located in the State of California would be able not only to draw upon a large reservoir of academic personnel and graduate students but also benefit from the extensive research being conducted by California's institutions of higher learning in the fields of water pollution control and water resources management; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation establishing regional water pollution control research facilities and to locate one of these facilities in the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Health, Education, and Welfare.

CHAPTER 177

Assembly Joint Resolution No. 37—Relative to revision of the retirement test and retirement earnings limitation of the Social Security Act.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, The cost of living in the United States rises with each succeeding year, thus making it increasingly more difficult to live on a limited income; and

WHEREAS, The present retirement test and earnings limitation for persons receiving social security retirement benefits do not permit beneficiaries to have earnings of a level consistent with an adequate standard of living; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to revise the present Social Security Act to provide for a revised concept of the present retirement test and the earnings limitation for persons receiving social security benefits to permit beneficiaries to have earnings that would bring their income up to a level consistent with an adequate standard of living; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 178

Assembly Concurrent Resolution No. 22—Relative to merit awards to state employees.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert L. Eddleman, Division of Highways, for proposing, in association with his supervisor Arthur E. Mertens, a suggestion that results in annual savings of two thousand two hundred thirty-two dollars ($2,232) by recommending that the Right of Way Engineering Department submit legal descriptions typed on reproducible masters rather than in a format which required retyping and proofreading; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Robert G. Edwards, Department of General Services, for a suggestion that results in annual savings of fourteen thousand eight hundred fourteen dollars ($14,814) by recommending modification of the procedure governing the use of shop repair orders and material requisition slips employed in state-owned garages; and

WHEREAS, An award of one hundred fifty dollars ($150) divided equally has already been made to Marye Fistolera, California Highway Patrol and Jo Anne Emmons Haro, presently Board of Equalization, for a suggestion that results in annual savings of three thousand dollars ($3,000) by designing, and recommending the general use by patrol clerical personnel of, a standard set of instructions for the preparation and distribution of forms; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to James E. Harris, office of the Secretary of State, for a suggestion that resulted in added net income of ninety-six thousand seven hundred dollars ($96,700), of which amount twenty-four thousand four hundred eighty dollars ($24,480) is projected as recurring each year, by proposing concerted efforts to collect qualification fees from foreign corporations transacting intrastate business in California; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to May L. Kluehka, Department of Agriculture, for a suggestion that results in annual savings of two thousand two hundred sixty-nine dollars ($2,269) by proposing a method of identifying Bureau of Market Enforcement licenses under the jurisdiction of each branch office; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Edmund V. Krumel, Department of General Services, for proposing, in association with his supervisor Marion A. Lasell, a suggestion that results in annual savings of five thousand two hundred dollars ($5,200) by proposing the inclusion of a chemical additive in the water reservoirs of printing plant presses to prevent mold formation; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Donald D. Marty, Division of Highways, for a suggestion that results in annual savings of one thousand eight hundred dollars ($1,800) by recommending the use of reference tabulations to expedite estimations of material quantities in the Bridge Department; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to W. Jack Pollock, Department of Agriculture, for proposing, in association with his supervisor Leland H. Lockhart, a suggestion that results in annual savings of six thousand one hundred seventy-six dollars ($6,176) by recommending extension of a method of compositing milk samples for testing purposes, rather than testing individual samples; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Rebecca E. Quinlan, Department of Motor Vehicles, for a suggestion that results in annual savings of two thousand four hundred forty-eight dollars ($2,448) by recommending discontinuance of separate typewritten replies to teletype inquiries when there is no record of a driver's license or violation. Instead, original teletype messages are stamped "No Record," and returned to the communications center; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Alton S. Robison, State Treasurer's office, for a suggestion that results in annual savings of three thousand six hundred eleven dollars ($3,611) by recommending a simplification of the Treasurer's agency trust systems by combining the Cash State, Revolving Fund, Cash Trust, and any special accounts into one general account for each agency; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Orval L. Shreck, Department of Mental Hygiene, for a suggestion that results in added annual income of ninety-eight thousand five hundred dollars ($98,500) by proposing that the Director of Mental Hygiene make his yearly rate determination for the care, support and maintenance of mentally ill persons effective July 1st of each year instead of September 1st; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Minor L. Silvey, Division of Bay Toll Crossings, for a suggestion that results in added annual income of forty-nine thousand one hundred twenty-five dollars ($49,125) by recommending the assessment and collection of a monthly fee of five dollars ($5) for credit account privileges on state-owned toll bridges; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gerald Storms, Department of Motor Vehicles, for proposing, in association with his supervisor Josephine J. Lobue, a suggestion that results in annual savings of three thousand twenty-five dollars ($3,025) by eliminating a file of reference cards as they duplicated information available from another source; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings and additional income amounting to two hundred eighty-eight thousand nine hundred dollars ($288,900); and

WHEREAS, As a result of these savings and added income it is unnecessary to appropriate additional funds for the payment of these awards; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following additional awards, which have been approved by the State Board of Control, are hereby authorized to the employees named:

Robert L. Eddleman, seventy-three dollars ($73);

Arthur E. Mertens, sixty-seven dollars ($67);

Robert G. Edwards, one thousand three hundred thirty dollars ($1,330);

Marye Fistolera, seventy-five dollars ($75);

Jo Anne Emmons Haro, seventy-five dollars ($75);

James E. Harris, five thousand nine hundred ten dollars ($5,910);

May L. Kluchka, seventy-seven dollars ($77);

Edmund V. Krumel, three hundred seventy dollars ($370);

Marion A. Lasell, one hundred fifty-six dollars ($156);

Donald D. Marty, thirty dollars ($30);

W. Jack Pollock, one hundred fifty-eight dollars ($158);

Leland H. Lockhart, ninety-two dollars and fifty cents ($92.50);

Rebecca E. Quinlan, ninety-five dollars ($95);

Alton S. Robison, two hundred ten dollars ($210);

Orval L. Schreck, two thousand three hundred thirteen dollars ($2,313);

Minor L. Silvey, four thousand seven hundred sixty-two dollars ($4,762);

Gerald Storms, one hundred fifty-two dollars ($152);

Josephine J. Lobue, ninety dollars ($90); and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and the State Controller.

CHAPTER 179

Assembly Concurrent Resolution No. 130—Relative to the Constitutional Revision Commission.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, The people of the State of California did approve at the 1962 general election Proposition 7, which amended Article XVIII, Section 1 of the State Constitution to permit the Legislature to propose revisions of the Constitution, in addition to its power to propose amendments thereto; and

WHEREAS, A Constitutional Revision Commission was authorized in 1963 by Assembly Concurrent Resolution 77 and Assembly Concurrent Resolution 7; and

WHEREAS, The Joint Committee on Legislative Organization, pursuant to the Assembly concurrent resolutions, appointed a Constitutional Revision Commission; and

WHEREAS, The existence of the commission, unless extended, will terminate 90 days after the close of the 1965 Regular Session of the Legislature; and

WHEREAS, The commission has been meeting regularly, has spent thousands of hours working toward a recommended revision of the Constitution, has all but completed its study of three articles, has undertaken the study of four additional articles and hopes to continue its efforts so as to submit to the Legislature and the people in 1966 the results of its work; now, therefore, be it

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

The Joint Committee on Legislative Organization is authorized to continue the existence of the Constitutional Revision Commission, to be called the Constitution Revision Commission.

The commission shall provide the joint committee and the Legislature with facts and recommendations relating to the revision of the Constitution of the State of California The commission shall consist of not less than 25, and not more than 60 citizens, excluding legislative members, and all of the nonlegislative members shall be appointed by the Joint Committee on Legislative Organization. The members of the Joint Committee on Legislative Organization shall be ex officio members of the commission. The commission shall, in addition, include three other Members of the Senate appointed by the Committee on Rules thereof, and three other Members of the Assembly, appointed by the Speaker thereof. Not more than two of such other Members of the Senate and not more than two of such other Members of the Assembly shall be of the same party. Vacancies in the commission shall be filled by the respective appointing powers. The commission membership shall be broadly representative of the various political, economic and social groupings within the state.

The commission shall select its own chairman, who may appoint an executive committee and such other committees as the commission shall determine. The commission shall assist and advise the Joint Committee on Legislative Organization in its deliberations as to revision of the California Constitution and shall report its findings and recommendations to the Joint Committee on Legislative Organization from time to time The members of the commission shall serve without compensation but each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

The Joint Committee on Legislative Organization shall provide the commission with the necessary staff, equipment and supplies to carry on its work. All expenses of the commission including the expenses of its members both legislative and nonlegislative shall be paid from the money allocated to the

Joint Committee on Legislative Organization from the Senate and Assembly Contingent Funds.

The existence of the commission shall terminate on October 1, 1966.

CHAPTER 180

Assembly Concurrent Resolution No. 163—Approving the Charter of the City of Placentia, County of Orange, State of California, ratified by the qualified electors of the city at an election held therein on the eighth day of June, 1965.

[Filed with Secretary of State June 29, 1965.]

WHEREAS, Proceedings have been had for the proposal, adoption, and ratification of the Charter of the City of Placentia, a municipal corporation in the County of Orange, State of California, as hereinafter set forth in the certificate of the Mayor and the City Clerk of the City of Placentia, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PLACENTIA OF CITY CHARTER.

State of California }
County of Orange } ss
City of Placentia }

We, the undersigned, Victor J. Michel, Mayor of the City of Placentia, State of California, and Donald I. Mac Innes, City Clerk of said City, do hereby certify and declare as follows:

That said City of Placentia, in the County of Orange, State of California, is now, and was at all times herein mentioned, a city containing a population of more than three thousand five hundred and less than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That the legislative body of said city, namely, the City Council thereof, did, in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California, cause to be framed a proposed charter for its own government and duly and regularly submitted to the qualified electors of the City of Placentia a proposition of the adoption of the proposed charter of the City of Placentia at a special municipal election held for that purpose in said city on the 8th day of June, 1965.

That such proposed charter was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 15th day of April, 1965, in the Placentia Courier, a newspaper of gen-

eral circulation printed and published in the City of Placentia, the official newspaper of said City of Placentia.

That until the date fixed for the election, June 8, 1965, as hereinafter set forth, there was published in said Placentia Courier, an advertisement stating that copies of said proposed charter could be had, upon application therefor, at the office of the City Clerk of said City of Placentia.

That copies of said pamphlet containing said proposed charter could be had upon application therefor at the office of the City Clerk of said City at all times, to and including June 8, 1965, the date fixed for said election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That said election was duly and regularly held on the 8th day of June, 1965.

That in accordance with the provisions, and in the manner provided by law, the said election duly and regularly was held in said City after due notice given and published on June 8, 1965, which day was not less than than forty (40), nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed charter in the Placentia Courier, the official newspaper of said City of Placentia.

That said City Council of the City of Placentia at a meeting duly held on June 15, 1965, at the time and in the form and manner required by law and in accordance with the law in such cases made and provided duly canvassed the returns of said election and duly found, determined, and declared that a majority of said electors voting thereon had voted in favor of said proposed charter and for the ratification and adoption thereof and that the same was adopted and ratified by more than the majority of the qualified voters of the City of Placentia voting thereon as follows, to wit:

Votes in favor of the ratification of said proposed charter. 512

Votes against the ratification of said proposed charter. 96

That said charter so prepared, proposed, submitted, ratified and adopted as herein set forth is in the words and figures following, to wit:

The Charter of the City of Placentia

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

Article I—Name of City

Section 100. Name. The municipal corporation now existing and known as the "City of Placentia" shall remain and continue to exist as a municipal corporation under the name of "City of Placentia."

Article II—Boundaries

Section 200. Boundaries. The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by State law.

Article III—Succession

Section 300. Rights and Liabilities. The City of Placentia shall continue to own, possess, control, and in every way succeed to and become the owner of rights and of property of every kind and nature by said existing municipal corporation owned, possessed or controlled and shall be subject to all the debts, obligations, liabilities and duties of said existing corporation.

Section 301. Ordinances Continued in Effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, are hereby continued in force until the same shall have been duly repealed amended, changed or superseded by proper authority.

Section 302. Rights of Officers and Employes Preserved. Nothing in this Charter contained, except as specifically provided, shall affect or impair the employment, pension or retirement rights or privileges of officers or employes of the City, or of any office, department or agency thereof, existing at the time this Charter takes effect.

Section 303. Continuance of Present Officers and Employes. The present officers and employes of the City shall continue without interruption to perform the duties of their respective offices and employments upon the same terms and conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, but subject to such removal, amendment and control as is provided or permitted in this Charter, and, as to offices which are changed, abolished or superseded by this Charter, until the election or appointment and qualification of their respective successors under this Charter.

Section 304. Continuance of Contracts and Public Improvements. All contracts entered into by the City, or for its benefit, prior to the taking effect of this Charter, and then in effect shall continue in full force and effect. Public improvements for which proceedings have been instituted under laws or other provisions existing at the time this Charter takes effect, in the discretion of the City Council, may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and other provisions or may be continued or perfected hereunder.

Section 305. Pending Actions and Proceedings. No action or proceeding, civil or criminal, pending at the time when this Charter takes effect, brought by or against the City or any office, department or agency thereof, shall be affected or abated

by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any officer, office, department or agency party thereto, by or under this Charter, may be assigned or transferred to another officer, office, department or agency, but in that event, the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Section 306. Effective Date of Charter. This Charter shall take effect upon its approval by the State Legislature. The members of the City Council, the City Clerk, and the City Treasurer, in office at the time of the approval of this Charter by the State Legislature, shall continue to hold office and to discharge the duties thereof until the election and qualification of their successors, respectively, under this Charter.

Article IV—Powers of City

Section 400. Powers of City. The City shall have power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter or in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California.

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

Section 401. Procedures The City shall have the power and may act pursuant to procedure established by any law of the State, unless a different procedure is required by this Charter.

Article V—Form of Government

Section 500. Form of Government. The municipal government provided by this Charter shall be known as the "Council-Administrator" form of government.

Article VI—The City Council

Section 600. Number and Term. There shall be a City Council consisting of five members elected from the City at large, at the times and in the manner in this Charter provided, and who shall serve for a term of four years, and until their respective successors qualify.

The regular election of the City Council members shall be held on the second Tuesday of April in each even-numbered years. The candidates receiving the highest number of votes

shall be elected. The term of all members shall commence on the first Tuesday following such election and each member shall serve until his successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

At the next general municipal election following the adoption of this Charter, two City Council members shall be elected for a term of four years and, at the next succeeding general municipal election, three City Council members shall be elected for a term of four years. Thereafter, in alternate general municipal election years, two and three City Council members shall be elected for terms of four years each. Incumbent members of the City Council shall remain in office until their present terms, respectively, expire and until their respective successors are elected and qualify.

Section 601. Eligibility. No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination, and shall have been a resident of the City for at least two years next preceding the date of his election or appointment.

Section 602. Compensation. The members of the City Council shall receive Twenty Five Dollars ($25.00) per month and the Mayor shall receive Fifty Dollars ($50.00) per month, as compensation for their services, and shall receive reimbursement for necessary travel and other expenses when on official duty on order of the City Council.

Section 603. Vacancies. A vacancy in the City Council, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified. At the next general municipal election following any vacancy, a Councilman shall be elected to serve for the remainder of any unexpired term. As used in this paragraph, the next general municipal election shall mean the next such election at which it is possible under the law to place the matter on the ballot and elect a successor.

If a member of the City Council absents himself from all regular meetings of the City Council for a period of sixty days consecutively from and after the last regular City Council meeting attended by such member, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the City, his office shall become vacant and shall be so declared by the City Council. In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

In the event that a majority of the City Council offices are vacated, from whatever cause arising, the member or members of the Planning Commission with the longest continuous service on said commission shall automatically succeed to an office on the City Council until three of the said offices have been filled and the procedure hereinabove set forth for filling va-

cancies by appointment can be followed. Longest continuous service shall be computed, for purposes of this section, from the date and sequence of appointment to the Planning Commission.

Section 604. Presiding Officer.

(a) Mayor. On the first Tuesday following any general or special municipal election at which Councilmen are elected, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all City Council proceedings. He shall be the official head of the City for all purposes including ceremonial. He shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his office. The Mayor shall serve in such capacity at the pleasure of the City Council.

(b) Mayor Pro Tempore. The City Council shall also designate one of its members as Mayor Pro Tempore who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability.

Section 605. Powers Vested in the City Council. All powers of the City shall be vested in the City Council, subject to the provisions of this Charter and to the Constitution of the State of California.

Section 606. Power to Tax. The City Council shall be empowered to levy a property tax on the assessed value of taxable property in the City for all municipal purposes.

Section 607. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen per-cent of the total assessed valuation, for purposes of City taxation, of all the real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at any election at which the question is submitted to the electors and unless in full compliance with the provisions of the State Constitution and of this Charter.

Section 608. Contracts on Public Works. Every contract involving an expenditure of more than Five Thousand ($5,000.00) Dollars for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Five Thousand ($5,000.00) Dollars shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time of opening bids.

A preference of not to exceed five percent (5%) of the lowest bid to a maximum of One Thousand Dollars ($1,000.00), in

the discretion of the City Council, may be allowed on all bids submitted within the purview of this section by a person who, for more than one year continuously preceding submission of such bid, had an established place of business in the City manufacturing, processing, wholesaling or retailing the product or service which is the subject of such bid.

The City Council may reject any and all bids presented and may re-advertise in its discretion.

After rejecting bids, or if no bids are received, the City Council may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employes, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by a majority vote of the entire membership of the City Council, it may proceed to have said work done or such material or supplies purchased in the manner stated, without further observance of the provisions of this section. Such contracts may be let and such purchases made without advertising for bids, if such work or the purchase of such materials or supplies shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by at least four affirmative votes.

Section 609. Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation published in the City, the City Council annually, prior to the beginning of each fiscal year, shall publish a notice inviting bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation published and circulated in said City during the ensuing fiscal year. In the event there is only one newspaper of general circulation published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. The newspaper with which any such contract is made shall be designated the official newspaper for the publication of such notices or other matter for the period of such contract.

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

In the event there is no newspaper of general circulation in the City or if no such newspaper will accept the rates permitted herein, then all legal notices or other matter may be published by posting copies thereof in at least three public places in the City, one of which places shall be the City Hall.

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

Section 610. Legislative-Administrative Relationships. The City Council shall be responsible for the policy matters of the City government and the City Administrator for the administration thereof. The City Council shall give orders and instructions to the City Administrator by a majority vote of the City Council at a lawfully held meeting. No individual member of the City Council shall interfere with the execution by the City Administrator of his powers and duties, or order, directly or indirectly, or order or request, directly or indirectly, the appointment of any person to an office or employment, or his removal therefrom, by the City Administrator, or by any of the department heads in the administrative service of the City. Except for the purpose of inquiry, individual members of the City Council shall deal with the administrative service under the City Administrator solely through the City Administrator and shall not give orders, either public or privately, to any subordinates of the City Administrator.

Section 611. Regular Meetings. The City Council shall hold regular meetings at least twice each month, at such times and in such places as it shall fix by ordinance or resolution, and may adjourn or re-adjourn any regular meeting to a date and time certain, which shall be specified in the order of adjournment; and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day.

Section 612. Special Meetings. A special meeting may be called at any time by the Mayor, or by three members of the City Council, by written notice to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any person entitled thereto who, at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any person who is actually present at the meeting at the time it convenes.

Section 613. Place of Meetings. All meetings of the City Council shall be held in the Council Chambers or in such place to which any such meeting may be adjourned; provided, that if by reason of fire, flood, overcrowding, or other emergency it shall be unsafe or impractical to meet at the regular meeting place, the Council may for the duration of the situation or emergency meet at some other place designated in writing by the Mayor or, if he fails to act, by any three Council members.

Section 614. Quorum. Proceedings. A majority of the members of the City Council shall constitute a quorum to do

business but a less number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally or by mail to each councilman at least twenty-four hours before the adjourned meeting, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council. The City Council shall judge the qualifications of its members as set forth by the Charter. It shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council.

The City Council may establish rules for the conduct of its proceedings and punish any member or other person for disorderly conduct at any meetings. It shall have the power and authority to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas may be issued in the name of the City and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor.

The City Council shall cause the City Clerk to keep a correct record of all its proceedings, and at the demand of any member or upon the adoption of any ordinance, resolution, or order for the payment of money, the City Clerk shall call roll and shall cause the ayes and noes taken on any question, to be entered in the minutes of the meeting.

Section 615. Adoption of Ordinances and Resolutions. With the sole exception of ordinances which take effect upon adoption, hereinafter referred to, no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of introduction or adoption, an ordinance or resolution shall be read in full, unless, after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting, held not less than five days after the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

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

The affirmative votes of at least three members of the City Council shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money

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

Section 616. Ordinance. Enactments. In addition to such acts of the City Council as are required by statute or by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty or granting a franchise shall be by ordinance.

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

Section 617. Ordinance. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper or pursuant to Section 609 of this Charter, within fifteen days after its adoption.

Section 618. Codification of Ordinances. Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed, and arranged as a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed, for use and examination by the public, in the office of the City Clerk, prior to the adoption thereof. Such code shall be amended only by ordinance and shall be kept up to date annually.

Detailed regulations pertaining to any subject, such as zoning, the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may likewise be adopted by reference in the manner hereinabove provided. Maps, charts, and diagrams also may be adopted by reference in the same manner.

Section 619. Ordinance. When Effective. No ordinance shall become effective until thirty days from and after the date of its adoption, except the following, which shall take effect upon adoption:

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

(b) An improvement proceeding ordinance adopted under some special law or procedural ordinance relating thereto;

(c) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation; or

(d) An emergency ordinance adopted in the manner herein provided.

Section 620. Ordinance. Violation. Penalty. A violation of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the people of the State of

California or may be redressed by civil action. The maximum fine or penalty for any violation of a city ordinance shall be the sum of Five Hundred Dollars ($500.00), or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment The City Council may provide by ordinance that persons imprisoned in the City Jail for violation of law or ordinance may be compelled to labor on public works.

Article VII—Other Elected Officers

Section 700. Number and Term. In addition to the members of the City Council, the other elected officers of the City shall be the City Clerk and the City Treasurer. They shall be elected from the city at large, at the times and in the manner in this Charter provided, and each shall serve for a term of four years and until his successor is elected and qualified.

The regular election of the City Clerk and the City Treasurer shall be held on the second Tuesday of April in even-numbered years The candidates receiving the highest number of votes for each of these offices shall be elected. The terms of the City Clerk and the City Treasurer shall commence on the first Tuesday following such election. Any ties in voting shall be settled by the casting of lots.

At the second general municipal election following the adoption of this Charter, the City Clerk and City Treasurer shall be elected for a term of four years. The incumbents shall remain in office until their present terms, respectively, expire.

Section 701. Eligibility. No person shall be eligible to hold the offices of City Clerk or City Treasurer unless he shall be a qualified elector at the time of his nomination, and shall have been a resident of the City for at least two years next preceding the date of his election or appointment.

Section 702. Compensation. The City Clerk shall receive Twenty-Five Dollars ($25 00) per month compensation for his services, and the City Treasurer shall receive Five Dollars ($5.00) per month compensation for his services; provided that they shall receive reimbursement for necessary travel and other expenses when on official duty on order of the City Council.

Section 703. Vacancies. A vacancy in the office of City Clerk or City Treasurer, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified. At the general municipal election following any vacancy, an officer shall be elected to serve for the remainder of the unexpired term.

If the City Clerk or the City Treasurer is convicted of a crime involving moral turpitude or ceases to be an elector of the City, his office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

Section 704. City Clerk. Powers and Duties. The City Clerk shall have power and be required to:

(a) Attend all meetings of the City Council, unless excused, and record and maintain a full and true record of all of the proceedings of the City Council in books which shall bear appropriate titles and be devoted to such purposes. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein;

(b) Maintain ordinance and resolution books into which shall be recorded all City ordinances and resolutions with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, giving the number of said ordinance or resolution and, as to an ordinance or resolution requiring publication, stating that the same has been published or posted in accordance with this Charter or other applicable law;

(c) Be the custodian of the seal of the City; and

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

Section 705. City Treasurer. Powers and Duties. The City Treasurer shall be the custodian of all public funds belonging to or under control of the City, or of any office, department or agency thereof.

Article VIII—Appointive Officers

Section 800. Appointing Authorities. The City Council shall appoint and remove the City Administrator. A resolution adopted by three affirmative votes at a regular meeting of the City Council shall be required to either appoint or remove the City Administrator.

The City Administrator shall appoint and remove all other non-elected City officers; provided that the City Council shall be empowered to employ or contract for the professional services of the City Attorney, the City Auditor, the City Health Officer and other services as needed, and provided, further, that no appointment shall be made by the City Administrator unless the City Council has provided by ordinance for the establishment of the office or department to be directed by the appointee.

An elected official, during his term of office, shall neither hold any other position with the City nor be assigned duties in addition to those set forth for his elected office by this Charter, for which position or duties full or partial compensation is paid.

No official, officer or employe appointed by the City Council shall be removed from his office or position with the City dur-

ing the ninety (90) day period immediately subsequent to any municipal election of persons to the City Council.

Section 801. City Administrator. Appointment. The City Administrator shall be chosen on the basis of his executive and administrative qualifications. He shall be paid a salary commensurate with his responsibilities as chief administrative officer of the City. No City Councilman shall receive such appointment during the term for which he shall have been elected, nor within two years after expiration of his term.

Section 802. City Administrator. Powers and Duties. The City Administrator shall be the chief executive officer and the head of the administrative branch of the City government. He shall be responsible to the City Council for the proper administration of all affairs of the City, except as otherwise provided in this Charter, and he shall have power and be required to:

(a) Appoint and remove, subject to the provisions of this Charter, all department heads of the City except as otherwise provided by this Charter, and pass upon and approve all proposed appointments and removals of subordinate employes by department heads;

(b) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption;

(c) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(d) Keep the City Council advised of the financial condition and future needs of the City and make such other recommendations as may seem to him desirable;

(e) Exercise control of all administrative offices and departments of the City and of all appointive offices and employes except those directly appointed by the City Council; and

(f) Perform such other duties as may be prescribed by this Charter or required of him by the City Council, not inconsistent with this Charter.

Section 803. City Administrator. Council Table. The City Administrator shall be accorded a seat at the City Council table and shall be entitled to participate in the discussions of the City Council, but shall not have a vote.

Section 804. City Administrator Pro Tempore. The City Administrator shall appoint, subject to the approval of the City Council, one of the other officers of the City to serve as City Administrator Pro Tempore during any temporary absence or disability of the City Administrator.

Section 805. Assistant City Administrator. In the event that the City Council provides for the appointment of an Assistant City Administrator, he shall be appointed by, and be under the supervision and direction of, the City Administrator.

Section 806. City Attorney. Powers and Duties. The City Attorney shall be licensed to practice law in the State of California and shall have the power and be required to:

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

(b) Represent and appear for the City and any City officer or employe or former City officer or employe, in any or all actions and proceedings in which the City or any such officer or employe, in or by reason of his official capacity, is concerned or is a party, but the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein;

(c) Attend all meetings of the City Council, unless excused, and give his advice or opinion in writing whenever requested to do so by the City Council, or by any of the boards or officers of the City;

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

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

(f) Prosecute on behalf of the people all criminal cases for violation of this Charter and of City ordinances, and misdemeanor offenses arising upon violation of the laws of the State unless otherwise provided by the City Council; and

(g) On vacating the office, surrender to his successor all books, papers, files and documents pertaining to the City's affairs.

Article IX—Appointive Boards and Commissions

Section 900. In General. There shall be the following specified commission which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

Section 901. Appropriations. The City Council shall include in its annual budget sufficient appropriations of funds for the efficient and proper functioning of such boards and commissions.

Section 902 Appointment Term. The members of each of such boards or commissions shall be appointed by the City Council. They shall be subject to removal by motion of the City Council adopted by at least three affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The members first appointed to such boards and commissions shall so classify themselves by lot that the term of one of each of their number shall expire each suceeding July 1st. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent

as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year.

Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Section 903. Meetings. Chairman. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer, at the pleasure of the board or commission.

Each board or commission shall hold a regular meeting at least once each month, except that a board or commission created by ordinance may be otherwise governed by the ordinance creating same.

The City Administrator shall designate a City employe to act as secretary for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter or with the ordinance creating it and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection.

Section 904 Oaths. Affirmations. Each member of any such board or commission, and the secretary thereof, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Section 905. Planning Commission. There shall be a Planning Commission appointed by the City Council, which shall consist of seven members from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government.

Section 906. Planning Commission. Powers and Duties. The Planning Commission shall have the power and be required to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of the General Plan, or any part thereof for the physical development of the City;

(b) Exercise such control over land subdivisions as is granted to it by the governing body of the City and by the laws of the State of California;

(c) Make recommendations concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City; and

(d) Exercise such functions with respect to zoning as may be prescribed by ordinance not inconsistent with this Charter.

Article X—General Provisions Relating to Officers and Employes

Section 1000. Official Bonds. The City Council shall fix by ordinance the amounts and terms of the official bonds of

all officials or employes who are required by this Charter or by ordinance to give such bonds. All bonds shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums of official bonds shall be paid by the City.

In all cases wherein an employe of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, his superior officer or other officer or employe, or the bond of the latter, unless such superior officer, or other officer or employe is a party to, or has conspired in, the wrongful act causing directly or indirectly such loss.

Section 1001. Oath of Office. Each member of the City Council, of every board and commission, and each officer provided for in this Charter before entering upon the discharge of the duties of his office, shall take, subscribe to and file with the City Clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting name of office) according to the best of my ability."

Section 1002. Illegal Contract, Financial Interest. No member of the City Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party and neither shall any board or commission or City official or employee be interested in any contract, sale or transaction to which the City is a party and which comes before said board or commission or official or employe, or the department of the City with which he is connected, for official action. Any such contract or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council or of a board or commission, and no City official or employe shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation or by reason of the ownership of stock in such corporation unless said stock owned by him shall amount to at least three (3%) per cent of all the stock of such corporation issued and outstanding. No City Councilman or member of any board or commission shall vote or participate in any contract or transaction in which he is directly or indirectly financially interested whether as a stockholder of the corporation or otherwise. If any officer of the City, during the term for which he was elected or appointed, shall so vote or participate, or shall be financially interested as aforesaid, upon conviction thereof, he shall forfeit his office.

Section 1003. Administering Oaths. Each department head and his deputies shall have the power to administer oaths

and affirmations in connection with any official business pertaining to his department.

Section 1004. Department Heads. Appointment Powers. Each department head shall have the power to appoint, suspend, and remove such deputies, assistants, subordinates and employes as are provided for by the City Council for his department upon the following conditions:

(a) Subject to the provisions of this Charter and the rules and regulations promulgated hereunder; and

(b) Subject to the prior approval of the City Administrator except for deputies, assistants, subordinates and employees of the City Council and the City Attorney.

Article XI—Elections

Section 1100. General Municipal Elections. General municipal elections for the filling of elective offices under this Charter shall be held in said City on the second Tuesday in April in each even numbered year commencing with the year 1966.

Section 1101. Special Municipal Elections. All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

Section 1102. Procedure for Holding Elections. Unless otherwise provided by ordinance, hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities insofar as the same are not in conflict with this Charter.

Section 1103. Initiative, Referendum and Recall. The provisions of the Elections Code of the State of California as the same now exist or may hereafter be amended, governing the initiative, referendum and the recall of municipal officers, shall apply to use thereof in the City insofar as such provisions of the Elections Code are not in conflict with this Charter.

Article XII—Fiscal Administration

Section 1200. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June the following year.

Section 1201. Tax System. Unless otherwise provided by ordinance, the City shall continue to use, for the purpose of ad valorem municipal taxation, the County system of assessment and tax collection, as such system is now in effect or may hereafter be amended and insofar as such provisions are not in conflict with this Charter.

If the City Council fails to fix the rate and levy taxes on or before August 31, in any year, the rate for the next preceding fiscal year shall thereupon be automatically adopted and

a tax at such rate shall be deemed to have been levied on all taxable property in the City for the current fiscal year.

Section 1202. Annual Budget Preparation. At such date as he shall determine, the City Administrator, or an officer designated by him, shall obtain from each department head estimates of revenue and expenditures for his department, detailed in such manner as may be prescribed by the City Administrator. In preparing the proposed budget, the City Administrator shall review the estimates, shall hold conferences thereon with the department heads, respectively, and may revise the estimates as he may deem advisable.

Section 1203. Budget. Submission to City Council. At least thirty-five days prior to the beginning of each fiscal year, the City Administrator shall submit to the City Council the proposed budget as prepared by him. After reviewing same and making such revisions as it may deem advisable, the City Council shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper.

Copies of the proposed budget shall be available for inspection by the public in the office of the City Clerk at least ten days prior to said hearing.

Section 1204. Budget. Public Hearing. At the time so advertised, or at any time to which such public hearing shall from time to time be adjourned, the City Council shall hold a public hearing on the proposed budget, at which interested persons desiring to be heard shall be given an opportunity to do so.

Section 1205. Budget. Further Consideration and Adoption. After the conclusion of the public hearing, the City Council shall further consider the proposed budget and make any revision thereof that it may deem advisable, and on or before June 30 it shall adopt the budget with revisions, if any, by the affirmative votes of at least three members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified to by the City Clerk, shall be placed, and shall remain on file, in the office of the City Clerk where it shall be available for inspection. The budget so certified shall be reproduced and copies made available for the use of all officers, departments and agencies of the City.

Section 1206. Budget Appropriations. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several offices, departments or agencies for the respective objects and purposes therein specified. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by the affirmative votes of at least three members so as to authorize the transfer of unused balances appropriated for

one purpose to another purpose, or to appropriate available revenues not included in the budget.

Section 1207. Centralized Purchasing. There shall be established under the control and direction of the City Administrator a centralized purchasing system for all city departments and agencies. The City Administrator shall recommend and the City Council shall consider and adopt by ordinance, rules and regulations governing the contracting for, purchasing, storing and distribution of all supplies, materials and equipment required by any office, department or agency of the City government.

Section 1208. Competitive Bidding. Subject to the provisions of Section 608, before making any purchase of, or contract for, supplies, materials or equipment, vendors shall be given ample opportunity for competitive bidding, under such rules and regulations and with such exceptions as the City Council may prescribe by ordinance.

Section 1209. Cash Basis Fund. The City Council shall maintain a revolving fund, to be known as the "Cash Basis Fund," for the purpose of placing the paying of the running expenses of the City on a cash basis. A sufficient reserve shall be built up in this fund from any available source with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the City Council from such fund to any other fund or funds of such sum or sums as may be required for the purpose of placing such funds, as nearly as possible, on a cash basis.

All moneys so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Section 1210. Capital Outlay Fund. A fund for capital outlays, generally, is hereby created, to be known as the "Capital Outlay Fund." The City Council by ordinance may create a special fund or funds for a special capital outlay purpose. The City Council may transfer to any such fund any unencumbered surplus funds remaining on hand in the City at any time.

Once created, such fund shall remain inviolate for the purposes for which it was created; if, for capital outlays, generally, then for any such purposes and if for a special capital outlay, then for such purpose only, unless the assent of the voters is expressed to the use of such fund for some other purpose by majority vote of the electors voting in favor thereof at a general or special municipal election at which such proposition is submitted; provided that if the purpose for which a special capital outlay fund was created has been accomplished, the City Council may transfer any remaining surplus to the general capital outlay fund.

Section 1211. Claims and Demands. Presentation and Payment. All demands against the City shall be in writing and may be in the form of a bill, invoice, payroll, or formal demand.

Each such demand shall be presented to the duly appointed finance officer within one hundred days after the last item of the account or claim accrued, and he shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and pay same out of the proper fund Otherwise, he shall reject it. Objections of the duly appointed finance officer may be overruled by the City Council and the demand ordered paid.

The duly appointed finance officer shall transmit such demand, with his approval or rejection thereof endorsed thereon to the City Administrator. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Administrator before payment; otherwise it shall require the approval of the City Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Administrator to approve a demand, in whole or in part, may present the same to the City Council which, after examining into the matter, may approve or reject the demand in whole or in part.

Checks shall be paid out of the fund designated if there be sufficient money in the fund for that purpose A check not paid for lack of funds shall be registered, and all registered checks shall be paid in the order of their registration when funds therefor are available.

The duly appointed finance officer of the City shall cause checks to be drawn for payment of municipal or other bonds, payable out of other funds in the treasury upon presentation and surrender of the proper bonds or coupons, upon the approval of the City Treasurer.

Section 1212. Petty Cash Funds. The City Council may provide for revolving petty cash funds to be paid to the City Administrator or department heads and used for payment in cash of expenditures provided for in the budgets, which cannot conveniently be paid otherwise. The City Administrator, or such department heads, shall account to the City Council and the duly appointed finance officer for all disbursements made therefrom when making demand for replenishment of the same and at such other times as the Council may require, and the amounts shall thereupon be charged against the proper appropriations.

Section 1213. Actions Against City. No suit shall be brought on any claim for money or damages against the City, or any board, commission or officer thereof, on any cause of action for which this Charter or the general law requires a claim to be presented, until a demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. Any such claim shall fully comply with the requirements for the presentation and consideration of claims as set forth in the applicable sections of the general law of the State.

Every claim for money or damages against the City, or any board or commission thereof, shall be filed with the City Clerk, who shall thereupon present the same to the City Council, officer, board or commission authorized by this Charter to incur or pay the expenditure. In all cases, such claims shall be processed as required by the general law of the State.

Section 1214. Independent Audit. The City Council shall employ, at the beginning of each fiscal year, a certified public accountant who, from time to time, shall examine the books, records, inventories and reports of all officers and employes who receive, handle or disburse public funds, and of such other officers, employes or departments as the City Council may direct At the end of the year, a final audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Administrator, one to the City Attorney, one to the City Treasurer, one to the duly appointed finance officer, and three additional copies to be placed on file in the office of the City Clerk where they may be available for inspection by the general public.

Section 1215. Revenue Bonds. The City shall have the power to issue revenue bonds for the purpose of financing the acquisition, construction, extension, improvement or repair of any municipal revenue producing facilities, but no such bonds shall be issued unless the same shall first be authorized by the affirmative vote of a majority of those electors voting on the question of incurring such indebtedness at any election at which such question is submitted to the electors of the City. The Council may issue and sell bonds so authorized, may fix the terms and conditions thereof, and may make, fix and establish such covenants, conditions, terms and provisions as it deems necessary or desirable to facilitate the issuance and sale of the bonds or for the protection and security of the holders thereof. Bonds issued pursuant to this section shall not be general obligations of the City but shall be payable, principal and interest, solely from revenues or other special funds specifically pledged to that purpose.

Article XIII—Franchises

Section 1300. Granting of Franchises. The City Council is empowered to grant by ordinance a franchise to any person, firm or corporation, whether operating under an existing franchise or not, to use the public streets, ways, alleys and places as the same now or may hereafter exist, for the construction and operation of plants, works, or equipment, necessary or convenient in connection with its transportation, communication, water, light, heat, power, refuse collection, storage or any other public utility or service. The City Council may prescribe the terms and conditions of any such grant. It may also provide, by procedural ordinance, the method of procedure and additional terms and conditions for making such grants, subject to the provisions of this Charter.

Section 1301. Resolution of Intention, Notice and Public Hearing. Before granting any franchise, the City Council shall pass a resolution declaring its intention to grant the same, stating the name of the proposed grantee, the character of the franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place, when and where any persons having any interest therein or any objection to the granting thereof may appear before the City Council and be heard thereon. It shall direct the City Clerk to publish said resolution at least once within fifteen (15) days of the passage thereof in the official newspaper. The time fixed for such hearing shall not be less than twenty (20) nor more than sixty (60) days after the passage of said resolution.

At the time set for the hearing, the City Council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, it may grant, or deny, the franchise, subject to the right of referendum of the people.

Section 1302. Term of Franchise Every franchise shall state the term for which it is granted, which may be indeterminate.

An indeterminate franchise shall endure in full force and effect until the same, with the consent of the Public Utilities Commission of the State of California, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, thereunto duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, all property actually used and useful in the exercise of such franchise and situate within the territorial limits of the State, municipal or public corporation purchasing or condemning such property, or until the franchise shall be forfeited for noncompliance with the terms by the possessor thereof.

Section 1303. Grant to Be in Lieu of All Other Franchises. Any franchise granted by the City with respect to any given utility facilities shall be in lieu of all other franchises, rights or privileges owned by the grantee, or by any successor of the grantee, to any rights under such franchise, with respect to such utility facilities within the limits of the City as they now or may hereafter exist. The acceptance of any franchise hereunder shall operate as an abandonment of all such other franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall constitute a continuing agreement of such grantee that, if and when the City shall thereafter annex, or consolidate with, additional territory, any and all other such franchises, rights

and privileges owned by the grantee therein shall likewise be deemed to be abandoned within the limits of such territory.

Section 1304. Eminent Domain. No franchise grant shall in any way or to any extent impair or affect the right of the City to acquire the property of the grantee thereof either by purchase or through the exercise of the right of eminent domain, and nothing herein contained shall be construed to contract away or to modify or to abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to any public utility. Every franchise grant shall reserve to the City the right to purchase the property of such utility either at an agreed price or at a price determined in a manner prescribed by law.

Section 1305. Duties of Grantee. By its acceptance of any franchise hereunder, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed in the grant or by procedural ordinance and shall further agree to:

(a) Comply with all lawful ordinances, rules and regulations theretofore or thereafter adopted by the City Council in the exercise of its police power;

(b) Pay to the City on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under such franchise;

(c) Indemnify and hold harmless the City and its officers from any and all liability for damages proximately resulting from any operation under such franchise;

(d) Remove and relocate without expense to the City any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any subway or viaduct, or if the public peace, health, safety or welfare so demands; and

(e) Pay to the City, during the life of the franchise, such compensation as the City Council may prescribe in the grant.

Article XIV—Miscellaneous

Section 1400. Definitions. Unless the provision or the context otherwise requires, as used in this Charter;

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

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

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

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

Section 1401. Violations. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding Five Hundred ($500.00) Dollars, or by imprisonment for a term of not exceeding six months, or by both such fine and imprisonment.

Section 1402. Validity. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

In witness whereof, we have hereunto set our hands and hereto affixed the seal of said City of Placentia this 15th day of June, 1965.

(SEAL)

VICTOR J. MICHEL,
Mayor of the City of Placentia
DONALD IAN MAC INNES,
City Clerk of the City of Placentia
By DOROTHY C. GIBBS,
Deputy City Clerk of the City of Placentia

and

WHEREAS, The proposed charter, as adopted and ratified, as hereinabove set forth, now is duly submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the Charter of the City of Placentia, as proposed to and adopted and ratified by the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, as the Charter of the City of Placentia.

CHAPTER 181

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 18 of Article XI, relating to public entities.

[Filed with Secretary of State June 30, 1965.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1965 Regular Session commencing on the 4th day of January, 1965, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 18 of Article XI thereof, to read:

SEC. 18 No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability

in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, except in the case of a any of such public entities which is authorized to maintain a public library as to general obligation bonds for library purposes only when the indebtedness or liability is approved by 60 percent of the qualified electors thereof voting at a primary or general election, and excepting any board of education or school district when any indebtedness or liability is approved by 60 percent of the qualified electors thereof voting at a primary or general election, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed 40 years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or 60 percent, as the case may be, of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

In the event that at the election upon the question of the adoption of the amendment to this section proposed to the people of the State of California by the Legislature at its 1965 Regular Session, there is presented also, to the voters of any public entity subject to this section any proposal for the issuance of general obligation bonds for library purposes only, or to the voters of any school district or district under the jurisdiction of a board of education any proposal to incur any indebtedness or liability, the issuance of such general obligation bonds, or the incurrence of such indebtedness or liability, shall be deemed properly authorized and approved provided that: (1) the amendment to this section so proposed is approved by the electors of the state at such election; and (2) the issuance of such general obligation bonds, or the incurrence of such indebtedness or liability, is approved by 60 percent of the qualified electors within the public entity, or within the school district or district under the jurisdiction of a board of education, respectively.

CHAPTER 182

Assembly Joint Resolution No. 19—Relative to residential facilities for the mentally retarded.

[Filed with Secretary of State June 30, 1965]

WHEREAS, The people of America have always responded to the needs and misfortunes of our less fortunate citizens be-

cause of our recognition that such action is in fulfillment of our highest moral duty and because such action strengthens American society; and

WHEREAS, A crisis exists in California and other states in that the demand for residential services for the mentally retarded greatly exceeds the supply; and

WHEREAS, Although aware of this situation and desirous of correcting it, the Legislature and the people of California are without the necessary financial resources with which to act appropriately; now, therefore be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to develop a program for the construction of residential facilities for the mentally retarded by providing the states with ample financial incentives in the matter; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 183

Assembly Joint Resolution No. 25—Relative to federal assistance for public works projects.

[Filed with Secretary of State June 30, 1965]

WHEREAS, The towns and cities of California have in recent years realized an immense growth that has caused a greater need for public works; and

WHEREAS, The lack of adequate public facilities stifles and distorts the further development of these communities and is also a factor in retarding the expansion of employment and new private investment in many areas; and

WHEREAS, The state and local governments of California have utilized all available public funds to meet the existing need for public works; and

WHEREAS, Unless the federal government moves quickly to provide the financial assistance necessary to construct the needed public works, the communities of California will not be able to do the community planning required to carry out a continuing program to overcome present deficiencies and meet the needs of growth; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the Congress of the United States to permit the Federal Housing and Home Finance Administrator to enter into contracts to make grants to assist in the construction of needed public works by local public entities; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 184

Assembly Joint Resolution No. 46—Relative to amending the 16th Amendment

[Filed with Secretary of State June 30, 1965.]

WHEREAS, Amendment 10 of the Constitution of the United State provides that powers, not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states, respectively, or to the people; and

WHEREAS, Amendment 16 of the Constitution of the United States provides that Congress shall have power to lay and collect taxes on income from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration; and

WHEREAS, All interest upon bonds and other obligations of states, territories and possessions of the United States and of political subdivisions thereof is, under present statutes, regulations and court decisions, exempt from federal income taxes and, as a consequence of such exemption, such obligations sell at substantially lower interest rates than if such exemption were not available, thereby effecting substantial savings in interest costs to the respective issuers of such obligations and to the taxpayers of such issuers; and

WHEREAS, The recent United States Supreme Court ruling upholding the Treasury Department in a tax dispute involving the investment of tax-exempt securities by a life insurance company may lead to additional attacks on the traditional immunity of bonds and other obligations of states, territories and possessions of the United States and of political subdivisions; and

WHEREAS, Frequent attacks on the tax immunity of bonds and other obligations of states, territories and possessions of the United States and of political subdivisions thereof endangers their essential governmental functions and threatens an untenable increase in the cost of financing needed public works projects, including vitally needed public schools and other state and local governmental needs; and

WHEREAS, It is imperative to the continued financial well-being of all such issuers that such exemption be permanently established and continued as to all such obligations now outstanding or hereafter issued, so that needed public improvements of said respective issuers may be financed at the lowest

possible cost to said issuers and their taxpayers; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to adopt an amendment to Amendment 16 of the Constitution of the United States to exempt from taxes on income on which the Congress has power to lay and collect taxes, all interest upon the obligations of any state, territory or possession of the United States, or any political subdivision of any thereof which is a municipal corporation or to which has been delegated the right to exercise part of the sovereign power of such state, territory or possession, or the District of Columbia; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States and to each Governor of these United States.

CHAPTER 185

Assembly Concurrent Resolution No. 107—Approving amendments to the Charter of the City of Redondo Beach, County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the 13th day of April, 1965.

[Filed with Secretary of State June 30, 1965.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of amendments set forth in certificate of the mayor and city clerk of said city, to the Charter of the City of Redondo Beach, a municipal corporation situated in the County of Los Angeles, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

State of California
County of Los Angeles } ss.
City of Redondo Beach

We, the undersigned, William F. Czuleger, Mayor of the City of Redondo Beach, State of California, and Fred M. Arnold, City Clerk of said city, do hereby certify and declare as follows:

The City of Redondo Beach, in the County of Los Angeles, State of California, was at all times mentioned herein and now is a city of the State of California, existing and acting

under a Charter duly adopted and approved under and by virtue of Section 8, Article XI of the Constitution of the State of California, containing a population of less than fifty thousand inhabitants.

The legislative body of said city on its own motion submitted to the electors of said city, at a general election; to wit, a General Municipal Election, held within said city on the 13th day of April, 1965, certain proposed amendments to the city Charter of said city.

Said proposed amendments were published in the South Bay Daily Breeze, a newspaper having a general circulation in said city, and being the official newspaper of said city, on the 2nd day of March, 1965, and in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Also, said proposed amendments were posted in three public places in said city, the first date of said posting being February 16, 1965 and continuing through March 4, 1965.

Said election was duly and regularly held on the 13th day of April, 1965, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said city Charter.

Said proposed amendments were duly and regularly submitted to and duly ratified by, the said qualified voters of said city, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said city have been complied with.

Said amendments are as follows:

Article VI, Section 6.2. is amended to read as follows.

Article VI, Section 6 2 Compensation

The members of the City Council shall receive One Dollar ($1.00) per year salary for their services and shall be entitled to reimbursement for traveling and other expenses in connection with their official duties for the City of Redondo Beach on order of the City Council.

Article VII, Section 8 is amended to read as follows·

Article VII
Mayor, Election and Term

Section 8. The Mayor shall be elected from the city at large and shall serve for a term of four (4) years and until his successor is elected and qualified. He shall receive One Dollar ($1.00) per year salary for his services and shall be entitled to reimbursement for traveling and other expenses in

connection with his official duties for the City of Redondo Beach on order of the City Council.

Article X, Sections 10.3 and 10.4 are added to read as follows:

Article X
Elective Officers

Section 10.3. A person shall not be eligible to hold the office of City Clerk or City Treasurer under Article X unless he is at the time of assuming public office, an elector of the City of Redondo Beach and has resided in the city for the year preceding his election or appointment

Section 10.4. A person shall not be eligible to hold the office of City Attorney under Article X unless he is at the time of assuming public office an elector of the City of Redondo Beach and has resided in the city for the year preceding his election or appointment.

Article XI, Section 11, is amended by adding a new paragraph to read as follows:

Article XI
City Clerk

Section 11. No person shall be eligible for office of City Clerk unless he shall have successfully completed, with a passing grade, at least 15 units consisting of the following courses: elementary accounting; intermediate accounting; advanced accounting; auditing; cost accounting, and municipal and governmental accounting. Said courses shall have been completed at a collegiate institution, either in residence or in extension, or in a recognized private school of equal educational standards. Five years experience in municipal accounting, in a responsible position, may be substituted for the educational requirements.

Article XIX, Section 19.1, is amended to read as follows:

Article XIX
Competitive Bidding When Not Required

Section 19.1 (e). On all purchases of supplies or materials under $5,000.00, providing such purchases are approved by the City Manager.

We have compared the said ratified amendments with the original proposed amendments submitted to the qualified electors of the said city, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and each of them, are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Redondo Beach to be attached on this 23rd day of April, 1965.

WILLIAM F. CZULEGER
(SEAL) Mayor of the City of
Redondo Beach, California

Attest:
FRED M. ARNOLD
City Clerk of the City of
Redondo Beach, California.

and,

WHEREAS, Said amendments to the Charter of the City of Redondo Beach so ratified as set forth in said certificate has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8, Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, that a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Redondo Beach as proposed to and adopted and ratified by the electors of said city and fully set forth in said certificate, be and the same are hereby approved as a whole without amendment or alteration for and as amendments and as part of the said Charter of the City of Redondo Beach.

CHAPTER 186

Assembly Concurrent Resolution No. 158—Relative to medical assistance to the aged.

[Filed with Secretary of State June 30, 1965.]

WHEREAS, The law now imposes a maximum limit of $380 per person for expenditures under the Medical Assistance for the Aged program; and

WHEREAS, Experience has demonstrated that it is unnecessary to use the entire amount authorized to finance such program; and

WHEREAS, Despite this fact, the State Department of Social Welfare, in its budget estimate, signifies that it needs the entire sum for expenditure during the 1965–1966 fiscal year; and

WHEREAS, The Legislature considers this to be an overestimate on the part of the department; and, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of

Social Welfare is hereby requested to reduce its estimate for expenditures under the Medical Assistance for the Aged program to the actual cost per capita under that program as of March 1, 1965; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Social Welfare.

CHAPTER 187

Assembly Concurrent Resolution No. 162—Relative to the approval of those certain amendments to the Charter of the City of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon, consolidated with the general municipal election, on the eighth day of June, 1965.

[Filed with Secretary of State June 30, 1965.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of those certain amendments to the Charter of the City of Alhambra, a municipal corporation of the County of Los Angeles, as hereinafter set forth in the certificate of the Mayor and the City Clerk of the City of Alhambra, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THOSE CERTAIN CHARTER AMENDMENTS

State of California
County of Los Angeles } ss:
City of Alhambra

We, the undersigned, Norma L. Yocum, Mayor of the City of Alhambra, and William F. Longley, City Clerk and ex-officio Clerk of the Alhambra City Council, do hereby certify and declare as follows:

That the City of Alhambra, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a City containing a population greater than 60,000 inhabitants, and ever since the year 1915 has been and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a Special Election held for that purpose on the 14th day of October, 1914, and approved and ratified by the Legislature of the State of California by Concurrent Resolution No 14 thereof, introduced by Senator Newton W. Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915. (Statutes 1915, p. 1740).

That the City Council of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, by Resolution No. R65-85, adopted on the 6th day of April, 1965, duly proposed to the qualified electors of the City of Alhambra those certain Amendments to the Charter of said City designated as Proposed Charter Amendment No. 1 and Proposed Charter Amendment No. 2, and ordered said Charter Amendments to be submitted to said qualified electors at the Special Municipal Election to be held thereon, consolidated with a General Municipal Election, on the 8th day of June, 1965; that said proposed Amendments were on April 15, 1965, published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Post-Advocate", being a daily newspaper of general circulation printed, published and circulated in said City, and being the official newspaper of said City.

That said proposed Amendments were duly and regularly printed in convenient form and at and during the time and in the manner provided by law a notice was published in said Post-Advocate that such copies of said proposed Amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed Amendments, so printed in convenient form, were duly and regularly distributed in the manner provided by law.

That said City Council did by Ordinances Nos. 065-3242 and 065-3243 order the holding of a General and Special Municipal Election in said City of Alhambra on June 8, 1965, for the purpose, among other things, of submitting to a vote the said proposed Charter Amendments, and which date of said election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed Charter Amendments, as aforesaid; and pursuant to said Charter, resolution and ordinances, the said proposed Amendments were submitted to the qualified electors of said City for their ratification on said June 8, 1965, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify the Proposed Amendment No. 1 and the Proposed Amendment No. 2 of the Charter of said City.

That the City Council of the City of Alhambra, in accordance with the law in such cases made and provided, did meet on the 14th day of June, 1965, at a regular meeting of such City Council and duly canvassed the returns of said election and duly found, determined and declared that the said Proposed Amendment No. 1 and the Proposed Amendment No. 2 of the Charter of the City of Alhambra were ratified by a majority of the electors of said City voting thereon.

That the said Amendments to the Charter so ratified by the electors of the City of Alhambra are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT No. 1

(Changes Section 48, of Article VI and Section 152 of Article XXI and adds Section 157A to Article XXI)

"ARTICLE VI
THE ALHAMBRA CITY COUNCIL

Section 48. No ordinance for any purpose shall be adopted by the Council on the day of its introduction, nor within five days thereafter nor at any other than a regular or an adjourned regular meeting.

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

No resolution or ordinance granting any franchise shall be adopted within thirty days after its introduction, and no franchise shall be renewed before one year prior to its expiration. The grant of a franchise under the Franchise Act of 1937, to any person, firm or corporation holding an existing franchise under Section 157 of Article XXI of this Charter, which existing franchise has an unexpired term of more than one year, shall not be prohibited by this section."

"ARTICLE XXI
FRANCHISES

Section 152. The City may grant, for a period not to exceed fifty years, the right and franchise to use the public streets and highways of the City for the purpose of operating street, suburban or interurban railroads and for constructing thereon or laying thereunder telephone and telegraph wires and cables, conduits and water mains and service pipes, in, upon, over, under or along any street, highway or other public place and may grant franchises for railroads, other than street, suburban or interurban, when authorized so to do by a vote of the electors. The City may grant, for an indeterminate period of time or for such specific term as may be determined by the City, the right and franchise to any person, firm or corporation, whether operating under an existing franchise or not, to use or to construct and use, poles, wires, conduit 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, under, along, across or upon the public streets, ways, alleys and places within the City."

"ARTICLE XXI
FRANCHISES

Section 157A. As an alternative to the provisions of Section 157 of Article XXI of this Charter, the City may 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, under, along, across or upon the public streets, ways, alleys and places within the City by complying with the provisions of the Franchise Act of 1937 of the State of California as that act may now exist or as said act may from time to time be amended hereafter."

PROPOSED CHARTER AMENDMENT No. 2
(Changes Section 155 of Article XXI)

"ARTICLE XXI
FRANCHISES

Section 155. Every ordinance granting any franchise shall provide that at the expiration of the period for which the franchise was granted, or at any time before as stated in the ordinance granting such franchise, the City, at its election and upon the payment of the physical valuation therefor, to be made in the manner provided in the ordinance making such grant, may purchase and take over to itself the property and plant operated under said franchise in its entirety, but in no case shall such valuation include any compensation for franchise or goodwill other than the amount originally paid to the City for such franchise. Or it may be provided in the ordinance granting any franchise that the property and plant operated under said franchise in its entirety shall, at the expiration of the period for which the franchise was granted, become the property of the City, without compensation to the owner of the franchise. The grantee, his successor or assign, of any franchise under this article shall be required in said ordinance to file, not later than March 1st of each calendar year, with the City Clerk an itemized statement of the expenditures for new construction during the calendar year next preceding the filing of said statement: and said statement shall be verified by the oaths of the president and secretary of the grantee, his successor or assign, if such grantee, successor or assign be a corporation, or by the oaths of a majority of the members of the firm, if the said grantee, successor or assign be a firm or by his oath if the grantee, his successor or assign be a person. No cost of maintenance, operation, repair or renewal shall be considered to be a cost of construction."

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct and exact copies thereof; we further certify that the facts set

forth in the preambles preceding such amendments to such Charter are true.

That as to the said amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith

In witness whereof we have hereunto set out hands and caused the corporate seal of the City of Alhambra to be affixed hereto this 14th day of June, 1965.

(SEAL)

MRS. NORMA L. YOCUM
Mayor of the City of Alhambra
WILLIAM F. LONGLEY
City Clerk and ex-officio Clerk of the City Council of the City of Alhambra

and

WHEREAS, The said proposed charter amendments, as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendments to the Charter of the City of Alhambra as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration for and as amendment to and as part of the Charter of the City of Alhambra.

CHAPTER 188

Senate Concurrent Resolution No. 53—Relative to the use of X-rays in the healing arts.

[Filed with Secretary of State June 30, 1965.]

WHEREAS, The Legislature, in the California Atomic Energy Development and Radiation Control Law enacted in 1959, declared it to be the policy of the state to eliminate unnecessary exposure of the public to ionizing radiation and to have various departments and agencies of the state develop programs designed to protect the people of the state from unnecessary exposure to radiation; and

WHEREAS, The safe and skillful use of X-rays in the practice of the healing arts is universally considered to represent a benefit to the public health and welfare which far outweighs any risk involved; and

WHEREAS, Unsafe and unskilled use of X-rays in the practice of the healing arts can lead to radiation exposures which serve no clinical purpose and which may result in deleterious effects to exposed individuals and to future generations; and

WHEREAS, The Legislature deems it to be in the overall public interest that there be adequate assurance, which does not now exist, that all persons who may employ X-rays in the healing arts are qualified in their safe and skillful use; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That, with respect to persons who matriculate at a medical school on or after September 1, 1965, the State Board of Medical Examiners, in examinations for physician's and surgeon's certificates and in examinations for certificates to practice podiatry; the State Board of Dental Examiners, in examinations for licenses to practice dentistry, to the extent they are not now so doing, are directed to include a sufficient number and variety of questions concerning roentgenologic techniques and radiation safety to provide reasonable assurance that candidates for certification or licensure are adequately trained to use X-rays safely and skillfully; and be it further

Resolved, That at least the following subject matter areas be adequately represented in the aforementioned examinations as appropriate to the particular professional discipline:

1. Nature and properties of X-rays and biological effects of radiation.

2. Knowledge of radiation factors such as kilovoltage and milliamperage, beam collimation, filtration, gonadal shielding, use of fast film and optimum film development, fluoroscope operations, and principles of protection for X-ray installations, including protection for machine operators and other persons in the vicinity.

3. Proper positioning of patients for various radiographic procedures.

4. Relevant factors for making judgments to employ or order diagnostic X-ray examinations in individual cases.

5. Proper interpretation of radiographic films; and be it further

Resolved, That each of the Board of Medical Examiners and Board of Dental Examiners is directed to submit a report on its implementation of this resolution to the Legislature by February 1, 1967; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to each of the Board of Medical Examiners and the Board of Dental Examiners.

CHAPTER 189

Senate Concurrent Resolution No. 58—Relative to a new Governor's Mansion.

[Filed with Secretary of State June 30, 1965.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Legislative Budget Committee is hereby directed to appoint an advisory committee of not exceeding nine members to work with the Joint Legislative Budget Committee in determining facts and making recommendations concerning a new Governor's Mansion and its location.

CHAPTER 190

Senate Concurrent Resolution No. 59—Relative to providing state financial assistance to nonpublic medical schools and teaching hospitals.

[Filed with Secretary of State June 30, 1965.]

WHEREAS, There is at the present time a shortage of doctors in California and the number of qualified students graduating from medical schools in California does not meet this shortage, making California a debtor state; and

WHEREAS, With the continued growth of the population of California this shortage will become increasingly critical; and

WHEREAS, Many students desiring to study for the medical profession are, because of limitations in facilities, unable to secure such an education in California in existing medical schools; and

WHEREAS, Large sums of public money for capital outlay would have to be spent by the State of California if present public medical schools and teaching hospitals were to be enlarged or if new public medical schools and teaching hospitals were to be established; and

WHEREAS, There exists in California a number of nonprofit private universities and colleges which upon affiliation with a nonprofit hospital could make the necessary capital improvements with privately subscribed and contributed funds to establish new medical schools and teaching hospitals; and

WHEREAS, These private nonprofit universities, colleges and hospitals upon the establishment of medical schools and teaching hospitals would be unable to finance or support the necessary teaching; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California declares it to be the policy of the state to assist in the education of medical students in private nonprofit universities and colleges in such manner as the Legislature may provide.

CHAPTER 191

Senate Concurrent Resolution No. 92—Relative to the Fairs Allocation and Classification Committee.

[Filed with Secretary of State June 30, 1965.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of nineteen thousand five hundred dollars ($19,500), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Senate and the Contingent Fund of the Assembly for the expenses of the Fairs Allocation and Classification Committee created pursuant to Section 92.7 of the Agricultural Code and its members and for any charges, expenses or claims it may incur under said section, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer provided, however, such funds shall not be expended until the permanent chairman and vice chairman for the 1965–1967 biennium have been selected.

The chairmanship of the committee shall rotate each biennium between the Senate and Assembly with the chairman for the 1965–1967 biennium being selected from the Assembly.

CHAPTER 192

Senate Joint Resolution No. 50—Relative to a proposed regulation of the Department of Interior.

[Filed with Secretary of State June 30, 1965]

WHEREAS, The Department of the Interior has published a regulation in the Federal Register on May 7, 1965, which asserts that no city, county or state ordinance or regulation shall apply to Indian lands held in trust by the federal government; and

WHEREAS, Such a regulation would deny any state or political subdivision the authority to limit, zone, or otherwise govern or regulate the use or development of any real or personal property leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band or community; and

WHEREAS, A provision of this nature will have a very serious and unfavorable impact upon many local communities in California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the Department of Interior not to adopt the regulation in question; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Department of Interior.

CHAPTER 193

Assembly Concurrent Resolution No. 29—Relative to recommending that the Regents of the University of California consider either Napa County or Solano County as a site for a university campus.

[Filed with Secretary of State July 1, 1965]

WHEREAS, The California Coordinating Council for Higher Education has found that a "definite ultimate need" exists for a University of California campus in the San Francisco Bay metropolitan area; and

WHEREAS, Advance acquisition of a site for a university campus is justified when the regents of the university present evidence and the council finds that "carefully restricted circumstances" warrant it, "such as where land may not subsequently be available without excessive cost or where there may be special opportunity to obtain the land," and upon such findings the council will recommend appropriation for the acquisition of such sites; and

WHEREAS, Both the Counties of Napa and Solano are areas of great natural beauty, centers of great anticipated growth, contain no university campus, are centrally located, adjacent to the entire north bay area; and would be greatly honored to be chosen as the site of a University of California campus; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members thereof recommend that the Regents of the University of California consider either Napa County or Solano County as a site for a campus; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit a copy of this resolution to each member of the Board of Regents of the University of California.

CHAPTER 194

Assembly Concurrent Resolution No. 45—Relative to the creation of the Joint Interim Legislative Unemployment Disability Compensation Committee.

[Filed with Secretary of State July 1, 1965]

WHEREAS, The laws of this state have for many years provided in the Unemployment Insurance Code for unemployment disability compensation benefits in order to compensate individuals for wage losses sustained due to unemployment because of sickness or injury and to reduce to a minimum the suffering caused by the unemployment resulting therefrom; and

WHEREAS, These provisions have over the years contributed greatly to relieve the citizens of this state from the unfortunate results of unemployment due to disability; and

WHEREAS, No comprehensive study of unemployment compensation disability eligibility standards or benefits levels has been made for many years while during the same time the scope of the program and wage levels in employment have greatly increased; now, therefore, be it

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

1. The Joint Interim Legislative Unemployment Disability Compensation Committee is hereby created and authorized and directed to ascertain, study and analyze all the facts relating to unemployment disability compensation benefits in California, including, but not limited to, the operation (both through the Department of Employment and voluntary plans), effect, administration, enforcement and needed revision of any and all laws and administrative procedures in any way bearing upon or relating to this matter, and to report thereon to the Legislature, including in its reports its recommendations for appropriate legislation and changes, if any, in administrative procedures.

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

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1967 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

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

sions are incorporated herein and made applicable to this committee and its members.

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

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

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

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

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

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

6. The sum of fifty thousand dollars ($50,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from these contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 195

Assembly Concurrent Resolution No. 48—Relative to directing the State Department of General Services to specify the tests of qualifications which prospective bidders must meet.

[Filed with Secretary of State July 1, 1965]

WHEREAS, The Department of General Services prequalifies bidders according to Section 13403 of the Government Code; and

WHEREAS, Prequalification insures that the bidder will receive an invitation to bid on all contracts for which he is eligible; and

WHEREAS, The prequalification process is therefore a critical factor in the amount of competition on state purchases; and

WHEREAS, The criteria of prequalification designated in the California Administrative Code, Title 2, Section 1890, merely indicate the kinds of information the department shall

consider and do not specify the tests of qualification which the prospective bidder must meet; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of General Services is directed to specify the tests of qualification which prospective bidders must meet and that he submit a report to the Legislature on such tests and the reasons behind them not later than February 7, 1966, and that such report be available to any interested party on request; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Director of General Services.

CHAPTER 196

Assembly Concurrent Resolution No. 66—Relative to directing the State Employees' Retirement System to provide a quotation of contributions required for cost-of-living increases in allowances with respect to employees of contracting agencies.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, A cost-of-living adjustment in allowances payable under the State Employees' Retirement System is necessary; and

WHEREAS, Such adjustments may be made for local members of the system only pursuant to amendment of the employer's contract executed after the employer has received a quotation of the contribution to the system required if such adjustments were provided; and

WHEREAS, Determination of such contribution is less costly if made in conjunction with the regular periodic actuarial valuation of the assets and liabilities under the system of the contracting agency; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Employees' Retirement System is requested to develop, in connection with the next regular actuarial valuation of assets and liabilities under the system of each contracting agency having employees who are local safety members of the system, a quotation of the contribution to the system which would be required of the agency if its contract were amended to subject the agency with respect to its employees to the provisions of a cost-of-living adjustment; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Employees' Retirement System.

CHAPTER 197

Assembly Concurrent Resolution No. 127—Relating to the establishment of an agricultural history museum at the University of California at Davis.

[Filed with Secretary of State July 1, 1965]

WHEREAS, The source of a great many historically important developments in American agriculture has been the work of the University of California at Davis; and

WHEREAS, Farmers of California have come to regard the university as the wellspring of the agricultural innovations that have made California the nation's leading agricultural state; and

WHEREAS, While the university is currently in the process of expanding beyond a solely agricultural orientation, it retains its prominence in agriculture and as a recognized center of agricultural history, as evidenced by the recent movement of Agricultural History, the journal which is the national scholarly magazine devoted to this field, to the campus of the university; and

WHEREAS, The university has also recently accepted an extensive manuscript collection of agricultural history materials; and

WHEREAS, It, therefore, clearly appears that the university is the logical place for the establishment of an agricultural history museum where agricultural equipment, particularly as is characteristic of California's agricultural development, could be collected and preserved, while also complementing the study and research of agricultural history; and

WHEREAS, The establishment of such a museum is imperative, since this state's agricultural history has already passed its 100th birthday and many of its engineering artifacts, if not collected and preserved, cannot long survive; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members of the Legislature do hereby applaud the efforts to establish an agricultural history museum at the Davis Campus of the University of California and express their desire that such a museum be established by the university on the Davis Campus to collect and preserve the engineering artifacts which are of importance to the study, research, and appreciation of agricultural history; and be it further

Resolved, That the university be requested to make a thorough study of the feasibility of instituting a comprehensive and integrated program in agricultural history of both public and scholarly benefit at the Davis Campus to include, but not be limited to, presently established agricultural history activities located there, and that the university be requested to report its findings to the 1966 Regular (Budget) Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Regents of the University of California, the Chancellor of the University of California at Davis, and the Director of Agriculture.

CHAPTER 198

Assembly Concurrent Resolution No. 133—Relative to the Joint Legislative Retirement Committee.

[Filed with Secretary of State July 1, 1965.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of twenty thousand dollars ($20,000), or so much thereof as may be necessary, is hereby made available from the Contingent Fund of the Assembly and the Contingent Fund of the Senate for the expenses of the Joint Legislative Retirement Committee created pursuant to Section 10601 of the Government Code and its members and for any charges, expenses or claims it may incur under said section, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 199

Assembly Joint Resolution No. 40—Relative to the federal aid highway program.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The national system of interstate and defense highways is being carried rapidly toward completion by the scheduled date of October 1, 1972; and

WHEREAS, The Federal Highway Trust Fund expires on that date; and

WHEREAS, The continuing growth of the nation's population and economy, and of its related transportation needs, gives evidence of need for continuing highway programs after that date; and

WHEREAS, The federal aid highway program because of sound financing, long-range planning and orderly construction has been a vital force in the dramatic expansion of the nation's productive capacity and in enhancing the well-being of the citizens of this state and the nation for over 40 years; and

WHEREAS, It is in the national interest that the federal-state relationship that has made this program possible be not terminated in 1972 but rather continued and strengthened; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to authorize and direct the Secretary of Commerce, with the cooperation of the State Highway Departments and through them with the cooperation of the cities and counties, to undertake immediately a study to be completed and reported to the Congress of the United States no later than January 1, 1967, to determine highway needs after 1972, and to recommend to the Congress a federal policy with respect to highways to meet these needs most effectively; and be it further

Resolved, That the study include, but not be limited to, a review of the desirable extent of the national system of interstate and defense highways, the requirements by states of federal aid primary and secondary or other systems of highways, the street and highway needs in urban areas, the most appropriate basis of sharing the costs among the several levels of government in relation to the interests of each in the several highway systems, the problem of reimbursement for toll or other roads included in the national system of interstate and defense highways, and such other matters as the secretary or the states believe appropriate; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 200

Assembly Joint Resolution No. 44—Relative to safety on vessels.

[Filed with Secretary of State July 1, 1965]

WHEREAS, The United States has the world's most stringent standards governing the construction and operation of passenger vessels and these standards are strictly enforced by the U.S. Coast Guard; and

WHEREAS, The U.S. Coast Guard under present laws can enforce these standards only on U.S. Flag ships while foreign flag ships, even though they operate regularly in and out of U.S. ports and carry U.S. citizens as passengers, can be required to observe only the minimum standards of safety set by international conventions—a level far below that required of U.S. ships; and

WHEREAS, Legislation has been introduced in Congress which would establish that ocean cruises which begin and end in U.S. ports with substantially the same group of passengers are domestic traffic and therefor would require all such opera-

tions to be licensed and subject them to strict regulations as to safety, fiscal responsibility, etc., on a par with those applying to U.S. ships; and

WHEREAS, This legislation would provide necessary protection for the traveling public, for domestic industry and for the national interest; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully urge the prompt enactment of legislation in this area; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 201

Assembly Constitutional Amendment No. 90—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending the first and second sentences of the fourth paragraph of, and the fifth paragraph of, Section 1 of, and the third paragraph of subdivision (a) of Section 2 of, Article IV thereof, and Section 16 of Article IV thereof, relating to legislative sessions.

[Filed with Secretary of State July 1, 1965.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1965 Regular Session commencing on the fourth day of January, 1965, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended:

First, That the first and second sentences of the fourth paragraph of Section 1 of Article IV thereof be amended to read:

The second power reserved to the people shall be known as the referendum. No act passed by the Legislature shall go into effect until 60 days after final adjournment of a general session, or 90 days after final adjournment of any other session, of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the state, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all of the members elected to each house.

Second, That the fifth paragraph of Section 1 of Article IV thereof be amended to read:

Upon the presentation to the Secretary of State within 60 days after final adjournment of a general session or, 90

days after the final adjournment of any other session of the Legislature, of a petition certified as herein provided, to have been signed by qualified electors equal in number of 5 percent of all the votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that any act or section or part of any act of the Legislature be submitted to the electors for their approval or rejection, the Secretary of State shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to 30 days after the filing of said petition or at any special election which may be called by the Governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Third, That the third paragraph of subdivision (a) of Section 2 of Article IV thereof be amended to read:

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed 120 calendar days in duration, not including Saturdays or Sundays, except that at the end of such 120-calendar-day period the Legislature shall recess until the first Monday following the expiration of 30 days following the date upon which it recessed and shall then reconvene for not to exceed five days for the sole purpose of reconsidering measures vetoed by the Governor. Members of the Legislature shall receive mileage of five cents ($0 05) per mile for traveling to and from their homes in order to attend the reconvening of the Legislature following such recess.

Fourth, That Section 16 of Article IV thereof be amended to read:

SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the Journal and proceed to reconsider it. If after such reconsideration, it again pass both houses, by yeas and nays, two-thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within 10 days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature has recessed at the end of a general session as provided in subdivision (a) of Section 2 of Article IV, in which case, if the bill shall not be returned to the house in which it originated within 30 days after the commencement of such recess, together with the Governor's objections thereto, the same shall become law in like manner as if he had signed it, or, in the

case of a budget session or special session, the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within 30 days after such adjournment, shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor.

CHAPTER 202

Assembly Concurrent Resolution No. 19—Relative to educational facilities for physically handicapped students.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, Many young intelligent persons with severe physical handicaps are deprived of an opportunity to participate in regular high school and college classroom educational instruction because facilities are lacking to accommodate such persons; and

WHEREAS, The cost of providing such facilities at the time of original school construction would be minimal, if construction planning included provision for such facilities; and

WHEREAS, The American Standards Association has developed recommendations which can be utilized in planning for such facilities; and

WHEREAS, The extension of regular high school and college classroom educational opportunities to such physically handicapped persons will result not only in an increase in the intellectual resources of the state, but also will permit such persons to fully realize self-supporting potentialities; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the Office of Architecture and Construction in the Department of General Services, the Department of Education, the Trustees of the California State Colleges and the Regents of the University of California to consider, to the extent that it is within their responsibility and jurisdiction, the recommendations of the American Standards Association, concerning school facilities for physically handicapped students, when approving

school building construction plans at the high school, junior college, college or university level; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Office of Architecture and Construction in the Department of General Services, the Department of Education, the Trustees of the California State Colleges, and the Regents of the University of California.

CHAPTER 203

Assembly Concurrent Resolution No. 78—Relative to the financial stability of the Judges' Retirement Fund.

[Filed with Secretary of State July 1, 1965.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee is directed to study the financial stability of the Judges' Retirement Fund and to prepare a report for and make recommendations to the Legislature regarding the financial stability of the fund. The report and recommendations are to be presented to the Legislature no later than the fifth day of the 1966 Budget Session.

CHAPTER 204

Assembly Concurrent Resolution No. 86—Relative to an inland marine park development program.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, Recreational boating is the fastest growing sport and hobby in the state, attracting several millions of people annually; and

WHEREAS, The increased dock facilities and picnic areas necessitated by this rapid growth are not available, privately owned beaches are being invaded, the inland waterways are being unnecessarily polluted and garbage and debris are cluttering the shorelines; and

WHEREAS, A marine park development program would do much to curb these problems and would offer proper recreation, dock, toilet, garbage, and picnic facilities for the boat users; and

WHEREAS, The original intent of the Legislature was to create inland marine parks as well as harbors for deep draft vessels; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Parks and Recreation is hereby requested to make a study of inland marine park development, outlining proposed park areas,

analyzing costs, justifying use, and projecting a 20-year development program, and report thereon to the Legislature not later than the fifth legislative day of the 1967 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Director of Parks and Recreation and the Chief of the Division of Beaches and Parks.

CHAPTER 205

Assembly Concurrent Resolution No. 88—Relative to the establishment of a cooperative fishery unit at Humboldt State College.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, Cooperative fishery units have been established in various states, and there is a need for such a unit in California; and

WHEREAS, These units are cooperative ventures involving a university or college, a state fish and game department, and the United States Fish and Wildlife Service, and are designed to serve several functions, including the training of fishery biologists and research projects to serve regional and national needs; and

WHEREAS, Humboldt State College in Arcata is well situated for work in both freshwater and marine fisheries since within a radius of 40 miles there are two bays, three large lagoons, three large rivers, many smaller streams, a number of small lakes, and the Pacific Ocean; and

WHEREAS, The college already has a well-developed fisheries program and the establishment of a cooperative unit there would benefit all of the citizens of this state and improve the technical strength of the overall college fisheries program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Trustees of the California State Colleges are hereby urged to support the proposal to establish a cooperative fishery unit at Humboldt State College and to that end they are requested to cooperate with similar efforts to be made by the Department of Fish and Game; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Trustees of the California State Colleges and to the Director of the Department of Fish and Game.

CHAPTER 206

Assembly Concurrent Resolution No. 99—Relating to dangerous drugs.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The use of illegally obtained amphetamine and barbiturate dangerous drugs in California by juveniles is a matter of great concern to the Legislature and to parents, teachers, physicians, pharmacists, peace officers, social workers and many others; and

WHEREAS, The use of illegally obtained amphetamine and barbiturate dangerous drugs in California by juveniles, when not under the supervision of a licensed practitioner, may cause a wide variety of acute and chronic changes in psychological functioning, social behavior, or personality, such as difficulties in judgment and coordination, disorderly thinking, disturbances in mood, bizarre and abnormal perceptual experiences, and more severe behavior disturbances such as attempted suicide and antisocial activities; and

WHEREAS, The use of illegally obtained amphetamine and barbiturate dangerous drugs in California by juveniles, when not under the supervision of a licensed practitioner, may lead them to perform acts of delinquency and crime and to experiment with narcotic drugs, which experimentation may result in narcotic addiction; and

WHEREAS, The use of such drugs by juveniles, when not under the supervision of a licensed practitioner, often endangers safety on the highway and otherwise has become a threat to the public health and safety; and

WHEREAS, A juvenile who is addicted or habituated to amphetamine or barbiturate dangerous drugs is in danger of leading an idle, dissolute, lewd or immoral life and is in need of rehabilitation and treatment; and

WHEREAS, A juvenile who violates any law and who is addicted or habituated to amphetamine or barbiturate dangerous drugs is in need of rehabilitation and treatment; and

WHEREAS, Sections 601 and 602 of the Welfare and Institutions Code provide that any person under the age of 21 years who for any cause is in danger of leading an idle, dissolute, lewd or immoral life or who violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime is within the jurisdiction of the juvenile court, which may adjudge such person a ward of the court and may commit such person to the Youth Authority; and

WHEREAS, The Welfare and Institutions Code provides adequate power and authority for the Director of the Youth Authority to establish a program for the purpose of rehabilitation, treatment and education of persons committed to the Youth Authority who are addicted or habituated to amphetamine or barbiturate dangerous drugs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of the Youth Authority shall be directed to establish a program for the purpose of rehabilitation, treatment and education of persons committed to the Youth Authority who are addicted or habituated to amphetamine or barbiturate dangerous drugs, to be accomplished within the limits of existing appropriations, personnel and facilities; and be it further

Resolved, That the Director of the Youth Authority shall report to the Legislature not later than January 1, 1967, the progress of the program he has established; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Governor of this state, the Administrator of the Youth and Adult Corrections Agency, and the Director of the Youth Authority.

CHAPTER 207

Assembly Concurrent Resolution No. 102—Relative to hiring practices preferring experienced teachers over unexperienced teachers holding higher degrees.

[Filed with Secretary of State July 1, 1965]

WHEREAS, The junior college faculties in the State of California have been and continue to be a valuable reservoir of experienced and capable teachers to fill the increasing needs of the other segments of higher education; and

WHEREAS, College graduates who desire to teach in institutions of higher education should not be dissuaded from developing their skills at the junior college level; and

WHEREAS, Many such potential junior college teachers are dissuaded from so doing because transfer to the other segments of higher education is difficult and often necessitates that such teacher accept a loss in salary as well as rank; and

WHEREAS, The other segments of higher education often maintain a de facto policy of seeking only teachers with the Ph.D. degree; and

WHEREAS, Many experienced and qualified junior college teachers without the Ph.D. degree are bypassed by the four-year institutions in favor of holders of the Ph.D. degree who may have little or no teaching experience at all; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature regards the experienced, time-tested teacher to be of particular value and strength to our system of higher education; and that the state colleges and the University of California are encouraged to adopt hiring policies that favor the experienced teacher, with or without the Ph.D. degree, over the unexperienced teacher who may hold the higher degree.

CHAPTER 208

Assembly Concurrent Resolution No. 117—Relative to providing music, art, and other cultural education courses in California public schools.

[Filed with Secretary of State July 1, 1965]

WHEREAS, It has come to the attention of the Legislature that young people in many public schools are being denied opportunities to benefit from certain courses in music, art, and other cultural courses due to problems compounded by state and local requirements in academic subject matter areas and various public pressures in this same direction; and

WHEREAS, The Legislature is cognizant of the need to provide children and youth with cultural educational experiences, in the best interests of our maturing society; and

WHEREAS, A well-rounded curriculum demands attention to cultural as well as academic subjects; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California states its intent that the program of education in California public schools shall present a well-rounded curriculum that will provide students ample opportunity to benefit from courses in music, art, and other cultural subjects, as well as academic subjects; and be it further

Resolved, That the State Board of Education and the governing board of each school district cooperate in implementing the intent of the Legislature as expressed in this resolution, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the State Board of Education.

CHAPTER 209

Assembly Concurrent Resolution No. 134—Relative to public school classroom construction.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The Legislature at its 1964 First Extraordinary Session supported and helped to finance the reduction of class sizes in the primary grades of the public elementary schools of California; and

WHEREAS, Many school districts which rely on loans under the "State School Building Aid Law of 1952" (Ch. 10, commencing with Sec. 19551), Div. 14, Ed.C.) for capital construction will have to build additional classrooms in order to reduce by 1969 class sizes to 30 pupils in grades 1, 2 and 3; and

WHEREAS, Eligibility for loans under such law depends on a determination of the adequacy of the existing school facilities to house the pupils of the school district, and a finding that additional classrooms are required; and

WHEREAS, Provisions of the Education Code and Title 5 of the California Administrative Code vest the power to make such determination in the State Allocations Board; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Allocations Board and the State Department of Education, are directed to take into consideration the necessity for a school district to reduce by 1969 the class sizes to 30 pupils in grades 1, 2 and 3 when making any determination of the adequacy of existing school facilities to house the pupils of the districts or granting approval of school facilities under the "State School Building Aid Law of 1952"; and be it further

Resolved, That the State Allocations Board take any appropriate steps to make additional building space for classrooms available to school districts for which it finds a need, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Chairman of the State Allocations Board and the Superintendent of Public Instruction.

CHAPTER 210

Assembly Concurrent Resolution No. 138—Relative to a study of the role of junior colleges and high schools.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The Legislature recognizes the need for improved vocational and technical education; and

WHEREAS, Added federal funds have now become available for use in California for vocational and technical education purposes; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Education is hereby directed to study the role of junior colleges and high schools in a comprehensive vocational and technical education program and to report the results of this study to the Legislature no later than the fifth legislative day of the 1966 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Director of Education and the Department of Education.

CHAPTER 211

Assembly Concurrent Resolution No. 139—Relative to training vocational counselors.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The Legislature recognizes the need to provide students in the public schools with proper guidance regarding present and future job needs in the state and nation; and

WHEREAS, There is a need to increase the number of available vocational counselors and to upgrade their skills; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Department of Education conduct a study of alternate methods of expanding programs for training vocational counselors; and be it further

Resolved, That the Department of Education report its findings to the Legislature on or before February 1, 1966.

CHAPTER 212

Assembly Concurrent Resolution No. 144—Relative to augmenting the funds of the Joint Committee on Legislative Organization.

[Filed with Secretary of State July 1, 1965.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available, the sum of one hundred seventy-five thousand dollars ($175,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and the Senate, in equal shares, for the expenses of the Joint Committee on Legislative Organization (created by Section 9107 of the Government Code and Joint Rule No. 40) and its members and for any charges, expenses, or claims it may incur under said resolution, and for the expenses of the Citizens Advisory Commission on Revision of the California Constitution, including the expenses of its members at the rates established for legislative employees, to be paid from the said contingent funds and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That the Citizens Advisory Commission on Revision of the California Constitution is deemed to be a citizens advisory committee created to assist legislative committees within the purview of Sections 9126 and 9127 of the Government Code, and its members deemed members of such a citizens advisory committee.

CHAPTER 213

Assembly Concurrent Resolution No. 145—Approving charter amendments to the Charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 11th day of May, 1965.

[Filed with Secretary of State July 1, 1965.]

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

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF RICHMOND OF FOUR CERTAIN CHARTER AMENDMENTS

State of California
County of Contra Costa } ss
City of Richmond

We, the undersigned, G. D. Carroll, Mayor of the City of Richmond, and Harlan J. Heydon, City Clerk of the City of Richmond, do hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and has been, ever since the year 1909, and is now, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 9th day of February, 1909, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, by its Resolutions numbered 8597 adopted on March 8, 1965, 8598 adopted on March 8, 1965, and 8599 adopted on March 8, 1965, duly and regularly submitted to the qualified electors of said City four certain proposals hereinafter sometimes referred to as Proposal No. 1, Proposal No. 2, Proposal No. 3 and Proposal No. 4 to amend the Charter of the City of Richmond and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolutions called for said purpose in

said City on the 11th day of May, 1965, and consolidated with the general municipal election to be held on said 11th day of May, 1965.

That said Proposal No. 1, Proposal No. 2, Proposal No. 3, and Proposal No. 4 were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Richmond; that said Proposal No. 1 was published and advertised as aforesaid on the 20th day of March, 1965; that Proposal No. 2 was published and advertised as aforesaid on the 20th day of March, 1965; that Proposal No. 3 was published and advertised as aforesaid on the 20th day of March, 1965 and that Proposal No. 4 was published and advertised as aforesaid on the 20th day of March, 1965, and that each of said publications was in The Independent, a newspaper of general circulation published daily except Sunday in said City of Richmond and the official newspaper of said City, and in each edition thereof during the said day of publication.

That said Council caused copies of said Proposal No. 1, Proposal No. 2, Proposal No. 3, and Proposal No. 4 to be printed in convenient pamphlet form and in type of not less than 10 point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on March 20, 1965, advertised in said The Independent daily, except Sunday, up to and including the day fixed for said election, a notice that copies of said Proposal No. 1, Proposal No. 2, Proposal No. 3 and Proposal No. 4 could be had on application therefor at the office of the City Clerk of said City.

That said general municipal elections and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by the laws of the State of California on said 11th day of May, 1965, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said Proposal No. 1, Proposal No 2, Proposal No. 3, and Proposal No. 4 in said The Independent.

That the City Clerk of said City of Richmond did, in the manner provided by law, duly and regularly canvass all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on each of said charter amendments, voted in favor thereof and that all four of said charter amendments, were ratified.

That a majority of the qualified voters voting on each of said amendments voted in favor of the ratification of and did ratify said proposed amendments to said charter.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special mu-

nicipal charter amendment election are in the words and figure following, to wit:

Proposal No. 1 amending Article XI of the Charter of the City of Richmond, entitled "Police and Firemen's Pension Fund" in the following particulars:

First: To amend Section 1 of Article XI to read as follows: (Words underlined to be added; words in capital letters to be deleted.)

"Sec. 1. There is hereby created a Pension Fund for the benefit of the officers and members of the police and fire departments of the City of Richmond, who were employed prior to October 16, 1964, to be established, maintained, and administered as hereinafter provided.

"There is hereby created a Pension Board which shall consist of seven members, namely, the Mayor, City Manager, CITY TREASURER, CHIEF OF POLICE, CHIEF OF FIRE DEPARTMENT, Director of Finance, one representative of the Central Labor Council of Contra Costa County affiliated with the AFL CIO, excluding members of the police and fire unions, one representative of the Council of Richmond Industries, one active member of the police department and one active member of the fire department, EACH SAID DEPARTMENT MEMBER TO BE ELECTED FROM THE RANK AND FILE OF EACH OF SAID DEPARTMENTS EVERY FIVE (5) YEARS BY A MAJORITY VOTE OF THE MEMBERS IN THE DEPARTMENTS WHICH THEY RESPECTIVELY REPRESENT ON SAID BOARD; Said Board shall be constituted as of the first of the month after the effective date of this amendment. The member of the police department and the member of the fire department shall be elected by a secret ballot vote of the active members of their respective departments under election procedures adopted by the members of said departments and shall serve a term of five (5) years; provided, that retirement hereunder, or separation from the service on the part of either of such department members shall result in a vacancy on said Board and any such vacancy so caused or arising in any manner shall be filled by election as aforesaid for the unexpired term. FIVE (5) Four (4) members of said Board shall constitute a quorum for the transaction of business. All action of the Board shall be concurred in by four (4) members. The City Attorney and City Clerk shall be ex officio members of the Board without vote in the proceedings. The City Clerk shall be ex officio Clerk of said Board and shall keep a record of the proceedings of the Board in the manner provided for keeping a record of the proceedings of the City Council. The representative of the Central Labor Council of Contra Costa County affiliated with the

AFL-CIO and the representative from the Council of Richmond Industries shall be appointed by the Mayor, with the concurrence of a majority of the City Council, and each shall serve terms of five years. Said Board shall meet at least once each month.

"Said Board shall have exclusive control of the administration and investment of said Pension Fund, except as herein provided for action by the City Council, and shall transmit to the CITY AUDITOR Director of Finance monthly an itemized list of, and showing the authority for all payments to be made from said Fund for pensions currently payable and all expenses of the Board, and the TREASURER Director of Finance shall pay all warrants therefor against said Fund only when so authorized, and when signed by the CITY AUDITOR Director of Finance and countersigned by the Clerk of the Board.

"Said Board shall render annually, on or before the 5th day of July, a report to the City Council for the previous fiscal year, showing all receipts and disbursements, the names of all persons on the pension roll, the amount paid each, and the balance remaining in said fund.

"On or after the effective date of this amendment, the City Council, after hearing the recommendation of the Board, shall employ, on a permanent or retainer basis, an actuary who is a member of the American Society of Actuaries experienced in public employees pension plans or any other competent actuary who is experienced in public employees pension plans. It shall be the actuary's duty to review, at least once every three years, in January of that year, the status of the Fund and to make necessary recommendations to the City Council and the Board."

Second: To amend Section 2 of Article XI to read as follows:

"Sec. 2 (a) The term 'salary,' for the purposes of this Article, shall be defined as the basic rate of pay as set forth in the salary ordinance adopted by the Council and does not include overtime, acting or extra-hazardous duty pay, or other salary differential.

"(b) Any member of the police or fire departments who shall have served in either such department for a minimum period of twenty-five (25) years in the aggregate in any capacity or rank whatsoever, shall, on his petition as hereinafter prescribed, or by order of the Pension Board if it be deemed for the good of the department, be retired from further service in such department, and shall thereafter, during his lifetime be paid in equal monthly installments from said Fund a yearly

pension equal to one-half (½) of the annual salary attached to the rank or position held by him in such department one (1) year prior to the date of such petition, or such order of said Board; provided, that in case of any change in salary at any time after such retirement for such rank or position, the pension shall after each and every such change, be one-half (½) of such salary as changed. No involuntary removal of a member from the department shall deprive him of the benefits of this section after said twenty-five (25) years' service except such removal be for habitual drunkenness, notorious in-subordination, conviction of a felony, or crime involving moral turpitude, and then only if the Pension Board shall in its discretion order that such removal operate to deprive such member of said benefits.

"(c) In addition to the full retirement allowance hereinabove provided, any member retiring for full service retirement as provided in paragraph (b) hereof, after the effective date of this section, shall receive an additional bonus allowance at the rate of one and two-thirds per cent (1⅔%) of said compensation for each year of service rendered after the effective date of this section and after qualifying for full service retirement as provided in paragraph (b) hereof, such additional bonus allowance not to exceed ten (10) years service, provided that if he, after 25 years of credited service, is then under 52 years of age, he continues in service for at least 5 more years; if between 52 and 54 he continues in service for at least 4 more years: if between 54 and 56 he continues in service for at least 3 more years; if between 56 and 58 he continues in service for at least 2 more years: and if 58 or over he continues in service for at least 1 more year.

"Should a member, after 25 years of service and after the effective date of this section, and after having earned a bonus allowance of 1 or more years, become incapacitated for the performance of duty, service or non-service connected, and is thereafter retired from service, he shall not, in such event, forfeit any bonus allowance that he may then have conditionally credited to him.

"The bonus allowance provided for herein shall not be transferrable to or utilized in the computation of the amount of pension benefit provided for dependents of eligible employees as provided in Section 9 of this Article. All bonus allowances granted herein shall be on a fixed and not on a fluctuating basis; said bonus allowance shall be based on one-half (½) of the annual salary attached to the rank or position held by him in such department one (1) year prior to the date of his retirement.

"(d) Notwithstanding any provision contained in this Article, retirement under Section 2 (b) shall be compulsory upon such member reaching the age of sixty-six (66) years."

Third: To amend Section 5 (a) of Article XI by adding at the end thereof the following paragraph:

"In granting a disability pension the Board shall require, as a condition to his receiving said pension, the pensioner to submit his claim to the Industrial Accident Commission of the State of California, and in the event that the said Industrial Accident Commission makes a finding that the disability was non-service connected, then the Board shall review the matter to determine whether or not the said disability pension shall be revoked. The City Council, after the aforesaid finding and the review by the Board, shall also have the right to review the matter and may, on its own motion, grant or revoke said disability pension."

Fourth: To amend Section 7 of Article XI to read as follows:

"Sec. 7. Any member of either the police or fire departments who desires to be retired on a pension shall file with the Pension Board a verified petition which shall contain the name and age of the petitioner, the rank or position held by him on the date of filing the petition, the salary of said rank or position, the rank held and the salary received by said petioner one (1) year prior to the date of filing said petition, the date of entry into the service, and the aggregate service of said petitioner. If said petitioner desires to be retired on a pension on account of disability, said petition shall also set forth the nature and extent of the disability, when and how received, and there shall be attached to said petition a report of the physical condition of said petitioner by a legally licensed physician OF THE CITY OF RICHMOND, which report shall be subscribed and sworn to by such physician. Such petition may be filed by the legally appointed guardian of any person entitled to a pension hereunder. Upon the filing of such petition the Board shall fix a date for the hearing thereof and shall notify the petitioner of the date of such hearing."

Fifth: To amend Section 8 of Article XI to read as follows:

"Sec. 8. No person shall be retired for disability hereunder or receive any pension therefor unless there shall be filed with the Pension Board certificates of disability subscribed and sworn to by three (3) legally licensed practicing physicians OF THE CITY OF RICHMOND, one to be selected by the petitioner, whose certificate of disability shall be attached to the petition as hereinabove provided, one of whom shall be the City Physician, and one of whom shall be selected by the Pension Board. The Board may require other and additional evidence of disability before ordering such retirement, but only on satisfactory evidence of disability and

of the right to be retired as provided herein said Pension Board shall retire such person. The decision of the Pension Board shall be final and conclusive."

Sixth: To amend Section 12 of Article XI to read as follows:

"Sec. 12. The Pension Board shall, in addition to other powers granted herein, have power

"(a) to compel witnesses to attend and testify before it upon all matters connected with its duties hereunder, in the same manner as is or may be provided by law for the taking of testimony before notaries public, and the president, of any member of said Board, may administer oaths to such witnesses;

"(b) to make all needful rules and regulations for its organization and functioning in conformity with the provisions hereof;

"(c) to provide for the payment from said Fund of all its necessary expenses; provided, that no compensation or emolument shall be paid to any member of said Board for any duty required or performed hereunder.;

"(D) TO EMPLOY AN ACTUARY WHO SHALL RENDER A REPORT OF THE COST OF MAINTAINING UPON A RESERVE BASIS THE PENSION SYSTEM AS HEREIN PROVIDED, FOR THE INFORMATION OF SAID BOARD."

Seventh: To amend Section 13 of Article XI to read as follows:

"Sec. 13. FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING SAID PENSION FUND ON A RESERVE BASIS, THE CITY COUNCIL SHALL MAKE PROVISION IN ITS BUDGET EACH FISCAL YEAR, BEGINNING WITH THE FISCAL YEAR 1937-38, AND CONTINUING THROUGHOUT THE FUTURE, FOR THE PAYMENT BY THE CITY AUDITOR SEMI-MONTHLY INTO SAID FUND AN AMOUNT EQUAL TO THREE (3) PER CENT OF THE TOTAL SEMI-MONTHLY PAYROLL OF THE OFFICERS AND MEMBERS OF THE POLICE AND FIRE DEPARTMENTS, AND THE CITY AUDITOR SHALL DEDUCT THREE (3) PER CENT FROM THE SEMI-MONTHLY SALARY OF EACH OFFICER AND MEMBER OF THE POLICE AND FIRE DEPARTMENTS, BEGINNING JULY 15, 1937, AND CONTINUING THROUGHOUT THE FUTURE, AND PAY THE AMOUNTS THEREOF INTO SAID FUND, PROVIDED THAT FOR THE PERIOD OF TEN (10) YEARS ENDING JUNE 30, 1947 SAID THREE (3) PER CENT CONTRIBUTIONS BY THE CITY AND BY THE OFFICERS AND MEMBERS OF SAID DEPARTMENTS SHALL REMAIN INTACT IN SAID FUND, OR BE INVESTED FOR THE BENEFIT OF SAID FUND DURING SAID PERIOD, AS HEREINAFTER PROVIDED. There shall ALSO be paid into said Fund all rewards or donations of

money given to said departments or members thereof for meritorious work or accomplishments in the performance of duty, as well as all other gifts or donations to said Fund from any source."

Eighth: To delete Section 14 of Article XI.

Ninth: To amend Section 15 of Article XI to read as follows:

"Sec. 15. AFTER THE COMPLETION OF SAID TEN (10) YEAR PERIOD, THE CITY COUNCIL SHALL NOT FURTHER MAKE THE SPECIAL PROVISION IN ITS ANNUAL BUDGETS, AS PRESCRIBED IN THE PRECEDING SECTION TO BEAR SOLELY THE COST OF PENSION PAYMENTS ORDERED BY THE PENSION BOARD AND THE EXPENSES OF THE BOARD, BUT THE SAME SHALL THEREAFTER BE PAID OUT OF SAID FUND AS HEREIN OTHERWISE PROVIDED TO BE ESTABLISHED AND MAINTAINED; PROVIDED THAT AFTER THE COMPLETION OF SAID TEN (10) YEAR PERIOD WHENEVER SAID FUND SHALL BE INSUFFICIENT TO MEET SAID COSTS, THE PENSION BOARD SHALL HAVE THE POWER TO MAKE DEMANDS UPON THE CITY COUNCIL, AND EQUALLY UPON THE OFFICERS AND MEMBERS OF THE POLICE AND FIRE DEPARTMENTS, FOR ADDITIONAL PAYMENTS INTO SAID FUND OF AMOUNTS SUFFIFIENT TO MEET THE SAME, AND THE CITY COUNCIL SHALL ACCORDINGLY MAKE PROVISION IN ITS BUDGET EACH FISCAL YEAR FOR ITS HALF OF THE AMOUNT OF SUCH DEMANDS, WHICH SHALL BE PAID ONTO SAID FUND BY THE CITY AUDITOR, AND THE CITY AUDITOR SHALL DEDUCT AND PAY INTO SAID FUND FROM THE SALARY OF EACH OFFICER AND MEMBER OF THE POLICE AND FIRE DEPARTMENTS HIS PRORATA PART OF THE OTHER HALF OF THE AMOUNT OF SUCH DEMANDS, BUT IN NO EVENT SHALL SAID DEMANDS FOR ADDITIONAL PAYMENTS TO BE MADE BY THE CITY AND EQUALLY IN THE AGGREGATE BY THE OFFICERS AND MEMBERS OF SAID DEPARTMENTS EXCEED TEN (10) PER CENT OF THE TOTAL ANNUAL PAYROLL OF THE OFFICERS AND MEMBERS OF SAID DEPARTMENTS. Commencing on the effective date of this amendment, the City shall make contributions annually in the amount of ten per cent (10%) of the total annual salary of the members of said departments, and said members of said departments shall make annual contributions in the amount of ten per cent (10%) of the said total annual salary to the Fund herein created.

"Whenever the actuary, as provided in Section 1, shall report that the Fund is fiscally sound, taking into account such factors as the interest which shall be earned on the contribu-

tions, the compensation experience of the members, the probabilities of separation from service for all causes, death after retirement, and any other pertinent factors, then the Pension Board shall decrease equally the percentages to be contributed by both the City and the members of said departments; provided, however, that whenever the annual report of said actuary reflects or anticipates a deficit, then the Pension Board shall recommend to the City Council that appropriate increases be made equally in the contributions of both the City and the members of said departments; and the City Council may make appropriate increases in the contribution of both the City and the members of said departments; provided, further, that in no event shall the said demands for contributions provided herein to be made by the members of said departments exceed ten per cent (10%) of the total annual salary of the members of said departments."

Tenth: To amend the first paragraph of Section 18 of Article XI to read as follows:

"Sec. 18. If any member of the police or fire departments shall become separated from the service, either voluntarily or involuntarily, then and in that event one-half (½) of all moneys, exclusive of interest, paid into said Fund by such member shall be returned to him. ; AND IN THE EVENT THAT HE SHALL THEREAFTER RE-ENTER THE SERVICE AS A MEMBER OF EITHER SAID POLICE OR FIRE DEPARTMENTS, HE SHALL RE-PAY INTO SAID FUND, UPON SUCH RE-ENTRY, AN AMOUNT EQUAL TO THE SUM RETURNED TO HIM AT THE TIME OF HIS SEPARATION FROM THE SERVICE, AND NEITHER HE NOR MEMBERS OF HIS FAMILY SHALL BE ENTITLED TO ANY BENEFITS HEREUNDER UNTIL SAID AMOUNT HAS BEEN REPAID INTO SAID FUND."

Eleventh: To amend Section 20 of Article XI to read as follows:

"Sec. 20. ALL PROVISIONS HEREOF SHALL APPLY TO MEMBERS OF THE POLICE AND FIRE ALARM DEPARTMENT OF THE CITY OF RICHMOND, AND ALL THE MEMBERS THEREOF SHALL BE DEEMED MEMBERS OF THE FIRE AND/OR POLICE DEPARTMENTS, AND ALL PROVISIONS HEREOF SHALL BE APPLICABLE TO THEM THE SAME AS THOUGH THEY WERE ACTIVE MEMBERS OF EITHER SAID POLICE OR FIRE DEPARTMENTS: PROVIDED THE CITY COUNCIL SHALL BY RESOLUTION DETERMINE TO WHICH ONE OF SAID DEPARTMENTS ANY MEMBER OF SAID POLICE AND FIRE ALARM DEPARTMENT SHALL BELONG FOR THE PURPOSE OF VOTING TO ELECT

MEMBERS TO SAID BOARD AS HEREIN PROVIDED. Said Fund shall not benefit any persons whose employment by the City of Richmond commenced on or after October 16, 1964, and none of the provisions of this Article shall apply to, obligate or benefit any such persons since all members of the police and fire departments of the City of Richmond hired or to be hired, or re-instated or to be reinstated, on or after October 16, 1964, are or will be members of the State Employees' Retirement System."

Twelfth: To add a new section to be numbered "22", to Article XI, which new section shall read as follows:

"Sec. 22. The City Council shall by ordinance adopted prior to December 31, 1965, authorize the Mayor and City Clerk to execute on behalf of the City, and the Mayor and City Clerk shall execute on behalf of the City pursuant to the provisions of the State Employees' Retirement Law of the State of California, an amendment to the contract between the City Council of the City of Richmond and the Board of Administration of the California State Employees' Retirement System whereby any person who was an employee prior to October 16, 1964, and is not eligible for retirement under this Article as of January 1, 1966, and who is a fireman or policeman within the meaning of said Law and elects to waive his rights under this Article, shall become a local safety member of said System and be entitled to all benefits, rights and obligations thereof in accordance with said Retirement Law and said contract. The effective date of said amendment shall be January 1, 1966. The City Council shall by resolution designate the dates on or before which such election may be made by said persons. In addition to payments made by the City into said Fund pursuant to Section 15 of this Article, the Director of Finance, before January 1, 1966, shall pay out of the Treasury of the City into said Fund amounts of money equal to all sums which have been paid into said Fund by all persons who become local members of said System and which under appropriate provisions of said Retirement Law are required to be transferred to said system and the City Council shall make provision therefor in its budget. Amounts so paid into the Fund shall not be subject to Section 16 of this Article and shall be transferred by the Board to said System. The City Council shall have the power to do all acts and things necessary and appropriate to perform such contract with said System and to comply with the provisions of said Retirement Law, and to execute such amendments to said

contract as may be permitted from time to time under said Retirement Law at the discretion of the City Council. None of the provisions of this Article other than this section shall apply to, obligate, or benefit any person who has elected to waive all his rights under this Article and has become a member of said System pursuant to the amendment to the contract, or who enters or, since October 15, 1964 has entered employment of the City and is or becomes a member of the State Employees' Retirement System pursuant to the amendment to said contract effective on October 16, 1964."

Proposal No. 2. amending Article XII of the Charter of the City of Richmond, entitled "General Pension Fund" in the following particulars:

First: to amend the second paragraph of Section 1 of Article XII to read as follows: (Words underlined to be added; words in capital letters to be deleted).

"There is hereby created a General Pension Board which shall consist of seven members, namely, the Mayor, City Manager, Director of Finance, CITY CLERK AND THREE MEMBERS, one member who shall be a registered voter of the City of Richmond, one representative of the Council of Richmond Industries, and two members to be elected from the rank and file of such employees every five (5) years by a majority vote thereof; provided that retirement hereunder, or separation from the service on the part of either of such elected members, shall result in a vacancy on said Board, and such vacancy so caused or arising in any manner shall be filled by election as aforesaid for the unexpired term FIVE (5) Four (4) members of said Board shall constitute a quorum for the transaction of business. All action of the Board shall be concurred in by four (4) members. The City Attorney and City Clerk shall be ex-officio members of the Board without vote in the proceedings. The City Clerk shall be ex-officio Clerk of said Board and shall keep a record of the proceedings of the Board in the manner provided for keeping a record of the proceedings of the City Council. The registered voter member and the representative of the Council of Richmond Industries shall be appointed by the Mayor, with the concurrence of a majority of the City Council, and each shall serve terms of five years. Said Board shall meet at least once each month. Said Board shall be constituted as of the first of the month after the effective date of this amendment."

Second: To amend Section 2 of Article XII by adding the following paragraph thereto:

"Notwithstanding any provision contained in this Article, retirement under this section shall be compulsory upon such

employee reaching the age of 70 years, if such employee is eligible for retirement pursuant to this Article."

Third: To amend Section 15 (b) (1) of Article XII to read as follows:

"(b) FROM AND AFTER JULY 1, 1953, THE CITY AUDITOR, THE PENSION BOARD AND THE CITY COUNCIL SHALL BE EMPOWERED AND REQUIRED TO DO THE FOLLOWING: Commencing on the effective date of this amendment, the Director of Finance, the Pension Board and the City Council shall be empowered and required to do the following:

"(1) THE CITY AUDITOR SHALL DEDUCT FROM THE SALARY OF EACH OF SUCH EMPLOYEES BENEFITED BY SAID FUND A PORTION OF HIS RESPECTIVE SALARY WHICH PORTION SHALL BE DETERMINED FROM TIME TO TIME BY THE PENSION BOARD, BUT SHALL NOT BE LESS THAN SEVEN (7) PER CENT OF HIS GROSS PAY, NOR MORE THAN TEN (10) PER CENT OF HIS GROSS PAY AND THE CITY AUDITOR SHALL PAY THE SAME INTO SAID FUND. The Director of Finance shall deduct from the salary of each such employee benefited by the Fund ten per cent (10%) of his total annual salary, and the Director of Finance shall pay the same into said Fund."

Fourth: To further amend Section 15 by adding the following paragraph thereto:

"Whenever the actuary shall report that the Fund is fiscally sound, taking into account such factors as the interest which shall be earned on the contributions, the compensation experience of the employees, the probabilities of separation from service for all causes, death after retirement, and any other pertinent factors, then the Pension Board shall decrease equally the percentages to be contributed by both the City and the employees; provided, however, that whenever the report of said actuary reflects or anticipates a deficit, then the Pension Board shall recommend to the City Council that appropriate increases be made equally in the contributions of both the City and the employees; and the City Council may make appropriate increases in the contributions of both the City and the employees; provided, further, that in no event shall the said demands for contributions provided herein to be made by said employees exceed ten per cent (10%) of the total annual salary of the said employees."

Proposal No. 3 amending Section 7 of Article III of the Charter of the City of Richmond, entitled "The Council," to read as follows:

First: To amend Section 7 of Article III as follows: (Words underlined to be added; words in capital letters to be deleted).

"Sec. 7. No ordinance shall be passed, no officer appointed or removed, no contract shall be awarded and no obligation incurred by the city in excess of THREE HUNDRED DOLLARS One Thousand Dollars without the affirmative vote of at least five members of the Council."

Proposal No. 4 amending Section 6 of Article IX of the Charter of the City of Richmond entitled "Miscellaneous," to read as follows:

First: To amend Section 6 of Article IX as follows: (Words underlined to be added; words in capital letters to be deleted).

"Sec 6. The Council shall publish once annually a financial report of the city AND FURNISH A COPY THEREOF TO EACH TAXPAYER WHOSE ADDRESS IS KNOWN in a newspaper of general circulation in the city "

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Richmond with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendments

The foregoing proposed and ratified amendments to the charter of the City of Richmond are hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California As to all four of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Richmond to be affixed hereto this 25th day of May, 1965.

(SEAL)

GEORGE D. CARROLL
Mayor of the City of Richmond
HARLAN J. HEYDON
City Clerk of the City of Richmond

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Richmond, as proposed to and adopted and ratified by the electors of the

city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without alteration or amendment, for and as amendments to and as part of the Charter of the City of Richmond.

CHAPTER 214

Assembly Concurrent Resolution No. 147—Relative to training of teachers of culturally disadvantaged students.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The Legislature recognizes the need to provide special programs for culturally disadvantaged students to improve their opportunities for attaining their full educational potential; and

WHEREAS, The success of such programs depends in part upon adequately trained teachers who understand the special nature of teaching culturally disadvantaged students; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby declares its intent that the Trustees of the State Colleges upgrade the teaching preparation program to assure that those who teach culturally disadvantaged children are adequately prepared; and be it further

Resolved, That the Trustees of the State Colleges conduct a demonstration program with a view toward developing a systematic plan to improve teacher training in this field; and be it further

Resolved, That this program be evaluated by representatives of both the Trustees of the State Colleges and the Department of Education; and be it further

Resolved, That the Trustees of the State Colleges and the Department of Education report their findings to the Legislature no later than March 31, 1967; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Trustees of the State Colleges and to the Department of Education.

CHAPTER 215

Assembly Concurrent Resolution No. 151—Relative to the reapportionment of congressional districts.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The United States House of Representatives has passed the so-called Celler Bill (H.R. 5505), which would require the reapportionment of congressional districts in time for

the 1966 elections, so that no such district shall deviate in population from the "average" size district by more than 15 percent; and

WHEREAS, It is now regarded as certain that the United States Senate will not act on the Celler Bill until after the California Legislature adjourns on June 18, 1965; and

WHEREAS, If the Celler Bill is enacted after the Legislature adjourns, the Legislature will have no opportunity to reapportion the congressional districts in accordance with the terms of that bill in time for the 1966 elections, unless the Governor calls a special session; and

WHEREAS, It is essential that the Legislature be given the opportunity to act on the matter to insure that California's representation in the United States House of Representatives will continue to be maintained at its present level; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to call a special session no less than 30 days nor more than 60 days after the Celler Bill is signed by the President, but in no event earlier than August 1, 1965, if, in his opinion, the bill, as enacted, would require the reapportionment of California's congressional districts in time for the 1966 elections; and be it further

Resolved, That the Governor is similarly requested to call a special session if a California or federal court rules that California's congressional districts are unconstitutional; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Honorable Edmund G. Brown, Governor of the State of California.

CHAPTER 216

Assembly Concurrent Resolution No. 156—Relative to the creation of a Joint Legislative Committee on Higher Education.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The Master Plan for Higher Education has been in effect in the State of California since 1960; and

WHEREAS, The Legislature has not since the inception of the Master Plan conducted a comprehensive review of its operation and the degree to which the intent of the Legislature has been carried out through the Master Plan; and

WHEREAS, Changes in one segment of higher education cannot be undertaken without legislative consideration of the effects of these changes upon the entire system of higher education in California; now, therefore, be it

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

1. The Joint Committee on Higher Education is hereby created and authorized and directed to ascertain, study and analyze all the facts relating to the development of higher education under the Master Plan during the period of 1960–1965; determine what reevaluation, if any, is necessary for Master Plan recommendations for the years 1965–1975; explore the needs of higher education for the years 1975–1980; and report thereon to the Legislature, including in its report its recommendations for appropriate legislation and change, if any, in the present law.

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

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1967 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

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

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

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

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

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

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

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

6. The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any

charges, expenses or claims it may incur under this resolution, to be paid from these contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasury.

CHAPTER 217

Assembly Concurrent Resolution No. 157—Relative to Legislative Counsel's digests.

[Filed with Secretary of State July 1, 1965.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Rule 8.6 is added to the Joint Rules of the Assembly and Senate, to read:

Digest of Bills Amended

8.6. Whenever a bill is amended in either house, the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be, shall request the Legislative Counsel to prepare an amended digest and cause it to be printed on the first page of the bill as amended. The digest shall be amended to show changes in the existing law which are proposed by the bill as amended with any material changes in the digest indicated by the use of appropriate type.

CHAPTER 218

Assembly Concurrent Resolution No. 164—Relative to the creation of the Joint Legislative Committee on Procedural Revision.

[Filed with Secretary of State July 1, 1965]

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

1. The Joint Legislative Committee on Procedural Revision is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the revision of the legislative process, including the possible use of a committee bill system, and including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws and rules in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the reports its recommendations for appropriate changes in the statutes and rules.

2. The Speaker of the Assembly may appoint members of the Assembly General Research Committee to membership on the committee and the Senate Committee on Rules may appoint members of the Senate General Research Committee to mem-

bership on the committee. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1967 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

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

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

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

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

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

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

CHAPTER 219

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 31d to Article IV thereof, relating to loans of public funds.

[Filed with Secretary of State July 1, 1965.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1965 Regular Session commencing on the 4th day of January 1965, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Section 31d to Article IV thereof, to read:

31d. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature, by general law, to authorize or provide for the loaning of any public funds, without interest, or to authorize or provide for the payment of interest or a portion of the interest on loans extended by others, to finance the repair, restoration, or replacement of

private property damaged or destroyed in any area or region which the Governor has declared to be in a state of disaster as a result of the condition which caused the Governor to declare such area or region to be in a state of disaster.

CHAPTER 220

Senate Concurrent Resolution No. 36—Relative to including the roadway to Squaw Valley in the state highway system.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The road from State Highway Route 89 to Squaw Valley is being used with more and more frequency; and

WHEREAS, The cost of maintaining this road, particularly with respect to the removal of snow thereon, is substantial; and

WHEREAS, The road would appear to have a statewide interest because it leads from a state highway to an excellent state park; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is requested to study the advisability of including this roadway in the state highway system; and be it further

Resolved, That the Department of Public Works is requested to report to the Legislature on this matter not later than the fifth legislative day of the 1966 legislative session; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the Department of Public Works.

CHAPTER 221

Senate Concurrent Resolution No. 40—Relative to the printing of "California Politics 1891–1939."

[Filed with Secretary of State July 1, 1965]

WHEREAS, The most complete political history of California for the period from 1891 to 1939, has been written by Franklin Hichborn, who is an eminent authority on California government and California politics; and

WHEREAS, The work is titled "California Politics 1891–1939," and is a five-volume typewritten set totaling 2,860 pages; and

WHEREAS, Researchers for generations will find in this work an invaluable tool for determining the political developments in California for the period covered, since the work is in a very real sense a living, virile history of the state for that period; and

WHEREAS, The value of Franklin Hichborn's work in the field of California politics can be readily understood by an examination of his books on the California Legislature for the period from 1909 through 1921, and for his fine book on the San Francisco graft prosecution, titled "The System"; and

WHEREAS, "California Politics 1891–1939" has been published on a limited basis by the John Randolph Haynes Foundation of Los Angeles, which has provided sets to six universities in the state; and

WHEREAS, The work, however, is not generally available to students of California history and cannot be obtained in the libraries of other universities, colleges, or high schools in California; and

WHEREAS, Assurance has been given by a reliable source that the work can be printed in a two-volume set of textbook size suitable for student reference use, at a reasonable cost; and

WHEREAS, The possibility of printing Mr. Hichborn's fine work in the state printing office, and making it generally available to school libraries should be thoroughly investigated, and, if feasible, the work should be so printed; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the Joint Committee on Legislative Organization is requested to investigate the possibility of printing in the state printing plant copies of "California Politics 1891–1939" by Franklin Hichborn, and making available copies to libraries of the University of California, the state colleges, public junior colleges and high schools in this state, and the sale of a limited number of copies to the public.

CHAPTER 222

Senate Concurrent Resolution No. 47— Relating to family planning.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The California Medical Association by resolution has voiced the opinion that family planning services should be properly included in every adequate medical care program; and

WHEREAS, Family planning services are not available in many cases to persons needing them most and particularly those in the low income group; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby finds that provision should be made to include family planning services in public health service programs; that such services should be made readily available to those adults or persons

deemed adults under Civil Code Section 25 who voluntarily seek them; that such program should make available a variety of family planning methods and techniques sufficient to insure that persons may obtain benefits from the program which are consistent with their personal beliefs; that use of available family planning services should not be a prerequisite to receipt of benefits under any public service or assistance program; that neither force, duress, nor persuasion tending in any degree to interfere with the religious or conscientious beliefs of any person should be tolerated in the operation of such programs; and that family planning services should be rendered only to individuals who expressly request them and should not be regarded as a means of influencing the birth rate among any particular group or class.

CHAPTER 223

Senate Concurrent Resolution No. 51—Relative to academic salaries and welfare benefits.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The Joint Legislative Budget Committee pursuant to House Resolution No. 250, 1964 First Extraordinary Session, has had prepared and has adopted a report of the Legislative Analyst containing findings and recommendations as to salaries and the general economic welfare, including fringe benefits, of faculty members of the California institutions of higher education; and

WHEREAS, The study of the Joint Legislative Budget Committee found that the reporting of salaries and fringe benefits as it has been made previously to the Legislature has been fragmentary and has lacked necessary consistency, with the result that the Legislature's consideration of the salary requests of the institutions of higher learning has been made unnecessarily difficult; and

WHEREAS, The report recommends that the Legislature and the Governor should receive each December 1 a report from the Coordinating Council for Higher Education, plus such supplementary information as the University of California and the California State Colleges desire to furnish independently, containing comprehensive and consistently reported information as outlined specifically in the report adopted by the Joint Legislative Budget Committee; and

WHEREAS, The reporting recommended by the committee would include essential data on the size and composition of the faculty, the establishment of comprehensive bases for comparing and evaluating faculty salaries, the nature and cost of existing and desired fringe benefits, the nature and extent of total compensation to the faculty, special privileges and benefits, and a description and measurement of supplementary in-

come, all of which affect the welfare of the faculties and involve cost implications to the state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Coordinating Council for Higher Education in cooperation with the University of California and the California State Colleges shall submit annually to the Governor and the Legislature not later than December 1 a faculty salary and welfare benefits report containing the basic information recommended in the report of the Joint Legislative Budget Committee as filed with the President of the Senate and the Speaker of the Assembly, under date of March 22, 1965.

CHAPTER 224

Senate Concurrent Resolution No. 52—Relative to directing the Joint Legislative Budget Committee to study the financial stability of the Judges' Retirement Fund.

[Filed with Secretary of State July 1, 1965.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Legislative Budget Committee is directed to study the financial stability of the Judges' Retirement Fund and submit a report of its findings thereon with its recommendations for appropriate legislation to the Legislature during the 1965 General Session, if possible, but in any event no later than the fifth legislative day of the 1966 Budget Session; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to members of the Joint Legislative Budget Committee.

CHAPTER 225

Senate Concurrent Resolution No. 70—Relative to coordination of state pesticide activities.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, There does not exist any formalized interdepartmental arrangements for continuous coordination in the executive branch in matters relating to the safe use of pesticides; and

WHEREAS, Through formal memorandum of agreement such arrangements have been made at the national level between the Departments of Agriculture; Health, Education and Welfare; and Interior establishing working procedures to assure effective coordination in carrying out their respective responsibilities; and

WHEREAS, The development and registration of new economic poisons and their expanded use throughout the environment will require greater supervision and closer coordination to protect public health and plant and animal life; and

WHEREAS, The lack of such cooperation, consultation and coordination between agencies having responsibility relating to pesticides may lead to incidents involving injury to humans and to plant and animal life unless a program for coordination and consultation is initiated by the executive branch of government; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the executive branch of the government is requested to formalize by executive order, interdepartmental arrangements for continuous coordination, consultation and cooperation between the various agencies in the executive branch having responsibility in the field of pesticides.

CHAPTER 226

Senate Concurrent Resolution No. 81—Approving a certain amendment to the Charter of the City of San Rafael, a municipal corporation in the County of Marin, State of California, voted for and ratified by the qualified electors of the city at a general municipal election held therein on the 12th day of April, 1965.

[Filed with Secretary of State July 1, 1965]

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

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF SAN RAFAEL

State of California }
County of Marin } ss.
City of San Rafael }

We, the undersigned, C. Paul Bettini, Mayor of the City of San Rafael, and W. Clifford Cornwell, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Rafael, a municipal corporation in the County of Marin, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders Charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said City, being the legislative body thereof, on its motion, submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City at a general municipal election duly and regularly called and held in the said City on the 12th day of April, 1965, said Charter Amendment being hereinafter set forth in full.

That on the 18th day of February, 1965, said City Council caused said Charter Amendment to be duly and regularly published and advertised in each and every edition of said 18th day of February, 1965, in the Independent Journal, the official newspaper of said City, printed, published and circulated in said City.

That said general municipal election was duly and regularly held in said City on the date fixed by said Council, to wit, April 12, 1965, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed Charter Amendment, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify the Charter Amendment herein specifically set forth.

That said amendment to the Charter of said City so ratified by the voters of said City is as follows, to wit:

Section 12 was added to Article VIII of the Charter of the City of San Rafael to read as follows:

"Section 12. Transfer of Accounting and Financial Duties of City Clerk to Director of Finance.

"The Financial and Accounting duties imposed upon the City Clerk by this Charter may be transferred to a Director of Finance when such office has been established and the powers and duties thereof defined by Ordinance."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said City, and find and certify that said amendment is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of San Rafael to be affixed hereto this 21st day of April, 1965.

(SEAL)

C. PAUL BETTINI
Mayor of the City of San Rafael, California
W. CLIFFORD CORNWELL
City Clerk of the City of San Rafael, California

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of San Rafael, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole without alteration or amendment, for and as an amendment to and as part of the Charter of the City of San Rafael.

CHAPTER 227

Senate Concurrent Resolution No. 82—Relative to a study by the State Reclamation Board of levee maintenance requirements, costs and benefits in Reclamation District No. 317 and related areas.

[Filed with Secretary of State July 1, 1965]

WHEREAS, Reclamation District No. 317 is presently responsible for the maintenance and operation of some 11.5 miles of levee and other flood control works within the designated boundaries of said district; and

WHEREAS, The levees and flood control works of the district in addition to protecting the lands and improvements located within the boundaries of the district, together with the levees and flood control works of adjoining districts, provide mutual protection against flood flows of the Sacramento, Mokelumne and San Joaquin Rivers and Georgiana and Seven Mile Sloughs; and

WHEREAS, The cost of maintenance and operation of the levees and other flood control works appear to place an unusually heavy financial burden on Reclamation District No. 317, which costs are now borne wholly by owners of lands and improvements of that district; and

WHEREAS, Questions have been raised among the landowners of the districts involved and by the landowners and owners of improved resorts and residential properties as to an equitable method of sharing the cost of levee maintenance and operation; and

WHEREAS, It is in the interest of the State of California, and of the several reclamation districts and landowners that an adequate program of levee maintenance and operation be adopted and carried out; and

WHEREAS, A study of the problem area properly is a part of operation of the Sacramento River Flood Control Project; and

WHEREAS, It has been difficult for owners of property in the affected area to resolve the problem of levee maintenance and equitable cost sharing; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Reclamation Board is requested to make a study of the levee maintenance and flood control operations required for the protection of the land and improvements in Reclamation District No. 317 from flood and seepage, of the appropriate methods of financing and distributing the cost of such maintenance and operations between the owners of arable land and small boat marinas located within the district, and of the importance and relationship of such levee maintenance and flood control features to the land and improvements located within those reclamation districts adjoining Reclamation District No. 317 and bounded by the Sacramento River, Seven Mile Slough, San Joaquin River, Mokelumne River and Georgiana Slough, and that such study not include the construction of new levees or extension of existing levees, and report to the Senate Factfinding Committee on Water Resources and the Assembly Interim Committee on Water not later than December 1, 1965.

CHAPTER 228

Senate Concurrent Resolution No. 85—Relating to youth conservation corps.

[Filed with Secretary of State July 1, 1965]

WHEREAS, The State of California has operated a youth conservation camp under the authority of the Public Resources Code on a pilot basis from 1963 to 1965; and

WHEREAS, Evaluations which have been made of this program indicate that it has served a public and desirable need in training youth to develop the traits and attitudes necessary to become productive members of society while simultaneously working to conserve the natural resources of the state; and

WHEREAS, The state program was designed to reach any youth between the ages of 16 and 21 who was unemployed and generally considered unemployable and, primarily, those who were dropouts from the state educational system, regardless of the income of the family of the youth; and

WHEREAS, Since institution of the state pilot program, the Federal Economic Opportunity Act has been adopted which has provided among its program proposals, the establishment of a job corps which parallels in many respects the California youth conservation program; and

WHEREAS, The executive agencies of state government have determined to enter into a contract with the federal government under the provision of the Economic Opportunity Act to cede operations and control of the state program to the Federal Job Corps in return for federal financial support of the program; and

WHEREAS, Under the terms of the operating agreement required by the federal government, federal criteria for admission to the program and for operation and supervision of the program must be substituted for previously utilized state criteria and will include, among other items, the admission to the California camp of youths from out of state and will simultaneously preclude some California youths from admission on the basis of the federal criteria applicable to the income of the family of the youth applying for admission, but who were eligible for the state program; and

WHEREAS, It is desirable that a more thorough analysis be made of the attainments of the state program and a comparison of those attainments with the early experience of the federal program in this state, and that results of these analyses and the factual information upon which they are based should be made available to appropriate legislative committees for review; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Conservation is requested to prepare an evaluation and an analysis of the operation of the California pilot program in the Youth Conservation Corps for the total period of its operation and to obtain to the degree practicable information from the federal government through the Office of Economic Opportunity comparable information with respect to the operation of job corps camps in California; and be it further

Resolved, That these analyses be prepared so that information would be available to the legislative committees on and after September 1, 1966, and would in any event be filed as a report to the Legislature by the 5th day of the 1967 General Session; and be it further

Resolved, That the Secretary of the Senate is directed to furnish a copy of this resolution to the Director of the Department of Conservation.

CHAPTER 229

Senate Concurrent Resolution No. 94—Relative to the naming of bridges in memory of the late Thomas L. DeVore and the late Charles R. Barnum.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, On February 1, 1943, a brave, young Californian, Thomas L. DeVore, gave his life to preserve freedom and democracy; and

WHEREAS, Such a supreme sacrifice on the part of one so full of life and hope for the future should not go unnoticed; and

WHEREAS, It is highly fitting that the existing bridge and the proposed bridge now under construction over the Mad River, Highway 299 to Blue Lake, be named the Thomas L. DeVore Memorial Bridge in memory of this brave young man who gave his life for his country; and

WHEREAS, The late Charles R. Barnum had the vision and foresight to pioneer the use of fir trees for the manufacture of lumber in northern California; and

WHEREAS, By reason of his activities, a great new industry was created in northern California to the perpetual economic betterment of all its residents; and

WHEREAS, Largely through the efforts of said Charles R. Barnum many individuals and organizations from distant points invested large sums of capital in northern California; and

WHEREAS, Charles R. Barnum was a vigorous, tireless participant and leader in many and varied community projects and services for the benefit of all; and

WHEREAS, It is fitting and proper that a suitable memorial be established to perpetuate the memory of said Charles R. Barnum; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the existing bridge and the proposed bridge now under construction over the Mad River, Highway 299 to Blue Lake is officially designated and named the Thomas L. DeVore Memorial Bridge and that the Division of Highways in the State Department of Public Works is requested to erect and maintain an appropriate memorial plaque dedicating the bridge to the memory of the late Thomas L. DeVore; and be it further

Resolved, That the bridge on U.S. Highway 101 at Sylvandale, Humboldt County, is officially designated and named the Charles R. Barnum Memorial Bridge and that the Division of Highways in the State Department of Public Works is requested to erect and maintain an appropriate memorial plaque dedicating that bridge to the memory of the late Charles R. Barnum; and be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit copies of this resolution to the Division of Highways in the State Department of Public Works.

CHAPTER 230

Senate Joint Resolution No. 1—Relative to the Federal-aid Highway Emergency Fund.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, An emergency fund has been created, pursuant to Section 125 of Title 23 of the United States Code, for expenditure by the Secretary of Commerce for the repair or

reconstruction of highways on the federal-aid highway systems, including the national system of interstate and defense highways and the federal-aid primary and secondary systems, which have suffered serious damage as the result of disaster over a wide area, such as by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, or other catastrophes; and

WHEREAS, Section 125 authorizes the appropriation of such moneys, not to exceed $30,000,000, as may be necessary for the initial establishment of this emergency fund and for its replenishment on an annual basis; and

WHEREAS, As a result of expenditures from this emergency fund for highway repair and reconstruction work necessitated by past disasters, there is a need at the present time for an appropriation to replenish the fund; and

WHEREAS, The recent December, 1964, floods and storms in the northern part of California have resulted in serious and widespread damage and destruction to many state and county highways which are included in the federal-aid highway systems, and federal aid is urgently needed to enable highway transportation to be restored throughout the areas affected at the earliest possible time; and

WHEREAS, In view of the widespread destruction over the western states, it is obvious that $30,000,000 will be insufficient to repair and reconstruct the damaged highways on the federal highway system in the West and this limitation should be substantially increased; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to raise the ceiling of $30,000,000 to at least $100,000,000 and to appropriate the latter sum of money to replenish the emergency fund created pursuant to Section 125 of Title 23 of the United States Code, so that funds will be available to provide assistance in the repair and reconstruction of damaged and destroyed federal-aid highways in the northern part of the State of California; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Commerce.

CHAPTER 231

Senate Joint Resolution No. 27—Relative to flood damage to forest roads.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The forest access road system of California, and particularly those roads situated in the national forests, have

recently suffered widespread and devastating flood damage; and

WHEREAS, Forestry, including the harvesting and processing of wood, is one of California's principal industries; and

WHEREAS, It is essential to the welfare of this state and nation that California's forest access road system be immediately restored; and

WHEREAS, The forest industry, as part of its timber sale contracts, builds annually many millions of dollars worth of roads in the national forests; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact promptly legislation to permit the agencies of the United States to aid immediately in the restoration of California's forest access road system which was damaged by the recent floods; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 232

Senate Joint Resolution No. 31—Relative to the proposed Scotts Creek Dam.

[Filed with Secretary of State July 1, 1965]

WHEREAS, The storms and high river stages of last December demonstrated dramatically and unquestionably that the degree of flood protection now existing in Scotts Valley is insufficient to furnish adequate assurance of the safety of a constantly expanding population, industry, and agriculture; and

WHEREAS, Flood protection would be vastly increased and advanced by construction of the Scotts Creek Dam project on Scotts Creek; and

WHEREAS, All informed persons and agencies have recognized the critical importance of the Scotts Creek Dam project to flood protection for Scotts Valley and the City of Lakeport; and

WHEREAS, The Scotts Creek Dam project will provide a vitally needed source of domestic water for the City of Lakeport which experiences serious shortages of water during the summer months requiring strict water rationing for all domestic users; and

WHEREAS, The construction should accordingly be authorized and undertaken at the earliest possible date; and

WHEREAS, The authorization can be accomplished by inclusion of such project in the legislation presently pending before the Congress, so as to authorize construction by the United States Army Corps of Engineers as soon as possible; and

WHEREAS, The determination of the agency to construct such project should be governed and controlled by the ascertainment of which agency could accomplish the earliest possible construction and resultant protection of the Scotts Valley and City of Lakeport from flood disaster; and

WHEREAS, The determination of the agency to operate such project after its completion should be governed and controlled by the ascertainment of which agency would best be able, in the operation of the project, to assure the flood control objective which is the overriding and critically important objective of the project; and

WHEREAS, Construction and operation of projects pertaining to flood control are and have been a normal and recognized function of the United States Army Corps of Engineers; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the United States Senators and Representatives representing the State of California in the Congress of the United States, and all officials concerned with the decision regarding the construction and operation of the Scotts Creek Dam project, are hereby urgently requested to take such steps and to lend such full support as may be required to accomplish authorization for construction of the Scotts Creek Dam project on Scotts Creek by the United States Army Corps of Engineers, in the legislation presently pending before the Congress; and be it further

Resolved, That all of such officials are further urged to take such steps and to lend such full support following authorization of construction as will in fact accomplish construction at the earliest possible date; and be it further

Resolved, That all of such officials are further urged to take such steps and lend such full support as may be required to assure that the Scotts Creek Dam will, when construction has been completed, be operated by the United States Army Corps of Engineers, in full furtherance of its flood control and water supply objective; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to each Senator and Representative from California in the Congress of the United States.

CHAPTER 233

Senate Joint Resolution No. 32—Relative to the leasing of federal lands in Marin County to the State of California.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The increasing demands which are being made upon park and recreational areas within the State of Cali-

fornia as a result of the constantly increasing population of this state make it imperative that additional park and recreation areas be provided without delay; and

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

WHEREAS, The limited existing public areas are being seriously damaged by overuse; and

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

WHEREAS, The federal government has already declared three isolated segments of Fort Baker, Fort Barry and Fort Cronkhite surplus as unnecessary for military purposes; and

WHEREAS, The State of California, Division of Beaches and Parks, has already acquired two of these isolated segments which have limited public use until the intervening land is made available for the installation of park facilities for public use; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take such action as may be necessary to provide for the lease to the State of California of those portions of Fort Baker, Fort Barry and Fort Cronkhite upcoast from the Golden Gate Bridge and the Redwood Highway (U.S. 101) not already acquired by the State of California or by the United States Coast Guard and to make such leased lands immediately available for park use and for the installation of safety, sanitary and other public use facilities; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Department of Defense, and to the Administrator of General Services.

CHAPTER 234

Senate Joint Resolution No. 35—Relating to the concurrent receipt of old age assistance and medical assistance to the aged.

[Filed with Secretary of State July 1, 1965]

WHEREAS, Section 1 of Title I of the Social Security Act prohibits the concurrent receipt of old age assistance and medical assistance for the aged; and

WHEREAS, This prohibition unjustly discriminates between the recipient of old age assistance who, when ill, must wait up to a month in order to become eligible for medical assistance for the aged, and the aged recipient of aid to the blind or aid to the totally disabled who becomes immediately eligible for M.A.A.; and

WHEREAS, This prohibition causes great hardships for the ill recipient of old age assistance in that he must deplete his personal resources, if any, to pay for necessary hospitalization and related medical services until he can become eligible for M.A.A.; and

WHEREAS, This prohibition causes a substantial economic drain on local governments, medical practitioners, and hospitals who must furnish and pay for hospitalization and related medical services for O.A.A. recipients who have no personal resources; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is respectfully memorialized to eliminate from the Social Security Act the prohibition against the concurrent receipt of old age assistance and medical assistance for the aged during the months of admission to and discharge from a medical care facility; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each senator and representative in this state's delegation to the Congress, and to the Secretary of the United States Department of Health, Education, and Welfare

---

CHAPTER 235

Senate Joint Resolution No. 36—Relating to the determination of medical eligibility for the aid to the blind and the aid to the totally disabled programs.

[Filed with Secretary of State July 1, 1965]

WHEREAS, Regulations of the United States Department of Health, Education, and Welfare and the provisions of the Social Security Act permit local governmental welfare agencies under the supervision of a state welfare agency to administer public welfare programs and make determinations as to the eligibility of applicants for aid; and

WHEREAS, Other regulations of the Department of Health, Education, and Welfare prohibit local welfare agencies from making the final medical eligibility determinations of the blindness and disability of applicants for the aid to the blind and the aid to the totally disabled programs and require the state welfare agency to make these medical findings; and

WHEREAS, There is nothing which innately makes at least some local governmental welfare agencies incapable or unqualified to make such medical eligibility determinations; and

WHEREAS, The prohibition of local agencies making such medical eligibility determinations results in waste and unnecessary administrative complexity and often causes applicants for aid unwarranted delays in the processing of their applications; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the United States Department of Health, Education, and Welfare is memorialized to amend its regulations so as to permit local governmental welfare agencies to determine the medical eligibility of applicants for aid to the blind and aid to the totally disabled; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President of the United States and to the Secretary of the United States Department of Health, Education and Welfare.

CHAPTER 236

Senate Joint Resolution No. 47—Relative to the National Defense Education Act of 1958.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The United States has long been recognized among nations of the world as a leader in providing assistance for students attending colleges and universities; and

WHEREAS, A strong higher educational system, with equal opportunity and widespread availability of college education, is necessary for the maintenance of a free society and a prosperous economy; and

WHEREAS, Since the enactment of the "National Defense Education Act of 1958," the California State Colleges have under its provisions granted loans approximating ten million dollars ($10,000,000) to about 13,900 students, as of June 30, 1964; and

WHEREAS, Under Public Law 88-210, approved December 17, 1963, the 88th Congress extended and expanded the student loan program under the "National Defense Education Act of 1958" so that the amount to be loaned to students attending the California State Colleges during the 1964-65 fiscal year is expected to increase by at least one-third; and

WHEREAS, Although the attendance of such students at public colleges and universities in California and other states is vital to both our national security and our domestic well-being, the federal student loan program has created a problem for our public institutions of higher education, and for the federal government, particularly in the collection of payments due from student borrowers; and

WHEREAS, The costs of collecting student loans under the "National Defense Education Act of 1958" falls not on the federal government but on state governments when the students are attending state institutions of higher learning, and constitutes a financial burden more properly the responsibility of the federal government; and

WHEREAS, It has come to the attention of the Legislature that the federal government has acknowleged that there is such a collection problem, that corrective action is needed, and that federal assistance to the states is necessary and may be expected; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress to appropriate federal funds to state institutions of higher learning to help meet the expense to the states of administration and supervision, including the collection of student loans, under the student loan program provided by the "National Defense Education Act of 1958"; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Trustees of the California State Colleges, and to the Regents of the University of California.

CHAPTER 237

Senate Joint Resolution No. 48—Relative to the Agricultural Conservation Program and the Soil Conservation Service.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, The preservation of the soils, water, forests and wildlife of this nation, and in particular the topsoil, is necessary; and

WHEREAS, We believe the preservation of these resources is a responsibility of all people; and

WHEREAS, Farmers and landowners through conservation practices have made California a far more beautiful state for both rural and urban people to enjoy; and

WHEREAS, The Agricultural Conservation Program and the technical assistance provided the landowners of California by the Soil Conservation Service are a vital link in the overall natural resource conservation movement through the state; and

WHEREAS, For the past 30 years the United States Department of Agriculture, through the Agricultural Conservation Program and the Soil Conservation Service, has done much

to maintain and improve these resources, and make landowners and society in general more conscious of the need for such preservation; and

WHEREAS, During this period many California farmers and landowners have put to good use the many conservation practices of the Agricultural Conservation Program; and

WHEREAS, In carrying out these practices California farmers and landowners are now more than matching government funds dollar for dollar; and

WHEREAS, Through the medium of Agricultural Conservation Program farmer-elected committeemen and soil conservation district supervisors throughout the state, farm leadership has been developed to a most helpful degree; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Congress of the United States be respectfully urged to give the necessary and adequate support to the continuance of the Agricultural Conservation Program and the Soil Conservation Service; and be it further

Resolved, That an adequate amount be set aside from an appropriation to make it possible to administer the program through the present system of farmer-elected committeemen; and be it further

Resolved, That the Secretary of the Senate be directed to transmit suitably prepared copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the Senate and House Committees on Agriculture, to the Chairmen of the Senate and House Committees on Appropriations, to the Secretary of Agriculture, and to the California congressional delegation.

CHAPTER 238

Senate Joint Resolution No. 49—Relative to issuance of commemorative postage stamp honoring General Mariano G. Vallejo.

[Filed with Secretary of State July 1, 1965.]

WHEREAS, In mid 1966 the United States Navy Polaris submarine, SSBN 658, now under construction at the San Francisco Bay Naval Shipyard, Mare Island Division, at Vallejo, California, will be launched and will be christened the Mariano G. Vallejo; and

WHEREAS, This modern unit of the fleet has been named for an outstanding figure in the history of California and the United States—a distinguished soldier, diplomat and legislator; and

WHEREAS, It is deemed appropriate that a commemorative postage stamp be issued to focus public attention on the person and career of Mariano G. Vallejo, a native son of Cali-

fornia, born under the Spanish Flag in Monterey, July 4, 1808; and

WHEREAS, General Vallejo served as a soldier of Mexico, was commander of the Presidio of San Francisco, colonizer of northern California with the title of Comandante General of the Northern Frontier, founder of the Pueblo of Sonoma, assigned responsibility for the negotiation with Russians for withdrawal from Fort Ross in northern California; and

WHEREAS, Mariano G. Vallejo is credited by most historians with aggressive advocacy of annexation of California to the United States in the councils of the Mexican Territory of Alta California and he is noted for his friendship, cooperation, and assistance to American immigrants to the territory; and

WHEREAS, After acquisition of California by the United States, Vallejo was elected as a member of the Constitutional Convention of 1849, which drafted the first basic governing law of this state, then was elected as a Member of the California State Senate, representing the 33,000-square-mile Sonoma District in the First Legislature; and

WHEREAS, The City of Vallejo, California, in which the naval shipyard constructing the Polaris Submarine Mariano G. Vallejo is located, was founded by General Vallejo and at his urging the Capitol of the state was situated in that city in 1852; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the President and the Postmaster General of the United States to issue a commemorative postage stamp on the date of the commissioning of the U.S.S. Mariano G. Vallejo in approximately June, 1966, honoring General Mariano G. Vallejo; and be it further

Resolved, That the Secretary of the Senate is directed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the members of the Citizens Stamp Advisory Committee of the United States Post Office Department.