
STATUTES OF CALIFORNIA

FIRST EXTRAORDINARY SESSION

1965

**Began Friday, June 25, 1965, and Adjourned
Tuesday, July 6, 1965**

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

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

I, EDMUND G. BROWN, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the twenty-fifth day of June, 1965, at 12 o'clock of said day to legislate upon the following subjects:

Item 1. To consider and act upon legislation to provide revenues for the General Fund.

Item 2. To consider and act upon legislation relative to public medical assistance to indigent persons.

Item 3. To consider and act upon legislation relative to the creation of a state park in the vicinity of Lake Tahoe.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed hereto this twenty-fourth day of June, 1965.

[SEAL]

EDMUND G. BROWN
Governor of California

[ATTEST] FRANK M. JORDAN
Secretary of State

WALTER C. STUTLER
Assistant Secretary of State

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session and has convened on June 25, 1965; and

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

I, EDMUND G. BROWN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated June 24, 1965, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects, in addition to the subjects specified in the original Proclamation, to wit:

Item No. 4. To consider and act upon legislation relative to the appropriation of money in the State Beach, Park, Recreational and Historical Facilities Fund for expenditure, pursuant to Section 5096.15(c) of the Public Resources Code, for planning of fish hatcheries, and the construction of artificial reefs at Southern California ocean beaches.

Item No. 5. To consider and act upon legislation relative to the licensing of homes for the aged.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-eighth day of June, 1965.

[SEAL]

EDMUND G. BROWN
Governor of California

[ATTEST] FRANK M. JORDAN
Secretary of State

STATUTES OF CALIFORNIA

PASSED AT THE 1965 FIRST EXTRAORDINARY SESSION
OF THE LEGISLATURE

CHAPTER 1

*An act making an appropriation for the expenses of the
Assembly and the Senate, to take effect immediately.*

[Approved by Governor July 6, 1965. Filed with
Secretary of State July 6, 1965.]

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

SECTION 1. The sum of two hundred forty thousand six hundred dollars (\$240,600) is hereby appropriated from the General Fund in the State Treasury for payment of the expenses of the Assembly and the Senate and the members thereof necessarily incurred in connection with the 1965 First Extraordinary Session of the Legislature in accordance with the following schedule:

(a) For expenses of Members of the Assembly-----	50,400
(b) For expenses of Members of the Senate-----	25,200
(c) To the Assembly Contingent Fund for expenses of the Assembly -----	110,000
(d) To the Senate Contingent Fund for expenses of the Senate -----	55,000
	<hr/>
	240,600

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 2

An act to add Section 702.1 to the Harbors and Navigation Code, to amend Sections 6006, 6009, 6010, 6011, 6094, 6203, 6244, 6367, 6381, 6401, and 6457 of, to add Sections 6006.1, 6006.3, 6010.1, 6016.3, 6390, 6391, 6422.1, 6451.5, 6452.5, 6454.5, 6591.5 to, to add Chapter 3.5 (commencing with Section 6271) to Part 1, Division 2 of, to repeal Sections 6011.5, 6389, 6422, and 6454.5 of, the Revenue and Taxation Code,

and to amend Sections 4000, 4300.5, 4451, 4750.5, and 5600 of the Vehicle Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor July 12, 1965 Filed with
Secretary of State July 12, 1965.]

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

SECTION 1. Section 702.1 is added to the Harbors and Navigation Code, to read:

702.1. (a) Prior to the issuance of any certificate of ownership the Division of Small Craft Harbors shall obtain a statement in writing, signed by the transferee or transferor, showing:

(1) The date of the sale or other transfer of ownership of the vessel.

(2) The name and address of the seller or transferor.

(3) The name and address of the buyer or transferee.

(4) The total consideration (valued in money) given for the sale or other transfer of the vessel, including any motor or other component part of the vessel included in the sale or other transfer.

(b) Upon the transfer of ownership of a vessel the Division of Small Craft Harbors shall forward to the State Board of Equalization information from its records identifying the vessel together with the data required by subdivision (a). The information shall be transmitted as promptly as feasible and in such form and manner as shall be agreed between the division and the board.

SEC. 2. Section 6006 of the Revenue and Taxation Code is amended to read:

6006. "Sale" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) The producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

(d) The furnishing, preparing, or serving for a consideration of food, meals, or drinks.

(e) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(f) A transfer for a consideration of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(g) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Tangible personal property leased in substantially the same form as acquired by the lessor as to which the lessor has paid sales tax reimbursement pursuant to Section 6052 or has paid use tax measured by the purchase price of the property.

SEC. 3. Section 6006.1 is added to said code, to read:

6006.1. The granting of possession of tangible personal property by a lessor to a lessee, or to another person at the direction of the lessee, is a continuing sale in this state by the lessor for the duration of the lease as respects any period of time the leased property is situated in this state, irrespective of the time or place of delivery of the property to the lessee or such other person.

SEC. 4. Section 6006.3 is added to said code, to read:

6006.3. (a) "Lease" includes, rental, hire and license.

(b) "Lease" includes only an original lease or a renewal of an original lease entered into or executed after the operative date of this section. This provision does not exempt any person from the payment of any tax required to be paid pursuant to this part in accordance with the provisions of this part as they read on July 1, 1965.

SEC. 5. Section 6009 of said code is amended to read:

6009. "Use" includes the exercise of any right or power over tangible personal property incident to the ownership of that property, and also includes the possession of, or the exercise of any right or power over, tangible personal property by a lessee under a lease, except that it does not include the sale of that property in the regular course of business.

SEC. 6. Section 6010 of said code is amended to read:

6010. "Purchase" means and includes:

(a) Any transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession," includes only transactions found by the board to be in lieu of a transfer of title, exchange, or barter.

(b) When performed outside this state or when the customer gives a resale certificate pursuant to Article 3 of Chapter 2 of this part, the producing, fabricating, processing, printing, or imprinting of tangible personal property for a

consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting.

(c) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(d) A transfer for a consideration of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

(e) Any lease of tangible personal property in any manner or by any means whatsoever, for a consideration, except a lease of:

(1) Motion picture, including television, films and tapes.

(2) Linen supplies and similar articles when an essential part of the lease agreement is the furnishing of the recurring service of laundering or cleaning the articles.

(3) Household furnishings with a lease of the living quarters in which they are to be used.

(4) Tangible personal property leased in substantially the same form as acquired by the lessor as to which the lessor has paid sales tax reimbursement pursuant to Section 6052 or has paid use tax measured by the purchase price of the property.

SEC. 7. Section 6010.1 is added to said code, to read:

6010.1. The possession of tangible personal property by a lessee, or by another person at the direction of the lessee, is a continuing purchase for use in this state by the lessee as respects any period of time the leased property is situated in this state, irrespective of the time or place of delivery of the property to the lessee or such other person.

SEC. 8. Section 6011 of said code is amended to read:

6011. "Sales price" means the total amount for which tangible personal property is sold or leased or rented, as the case may be, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold.

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses.

(c) The cost of transportation of the property, except as excluded by other provisions of this section.

The total amount for which the property is sold or leased or rented includes all of the following:

(a) Any services that are a part of the sale.

(b) Any amount for which credit is given to the purchaser by the seller.

(c) The amount of any tax imposed by this state that is conclusively presumed to be a direct tax on the retail consumer precollected by the seller for the purpose of convenience and facility only.

"Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales.

(b) The amount charged for property returned by customers when that entire amount is refunded either in cash or credit, but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned. For the purpose of this section refund or credit of the entire amount shall be deemed to be given when the purchase price less rehandling and restocking costs are refunded or credited to the customer.

(c) The amount charged for labor or services rendered in installing or applying the property sold.

(d) The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

(e) The amount of any tax imposed by any city, county or city and county within the State of California upon or with respect to retail sales of tangible personal property, measured by a stated percentage of sales price or gross receipts, whether imposed upon the retailer or the consumer.

(f) The amount of any tax imposed by any city, county or city and county within the State of California with respect to the storage, use or other consumption in such city, county or city and county of tangible personal property measured by a stated percentage of sales price or purchase price, whether such tax is imposed upon the retailer or the consumer.

(g) Separately stated charges for transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, but the exclusion shall not exceed a reasonable charge for transportation by facilities of the retailer or the cost to the retailer of transportation by other than facilities of the retailer; provided, that if the transportation is by facilities of the retailer, or the property is sold for a delivered price, this exclusion shall be applicable solely with respect to transportation which occurs after the purchase of the property is made.

(h) The amount of any motor vehicle fee or tax imposed by and paid to the State of California that has been added to or is measured by a stated percentage of the sales or purchase price of a motor vehicle.

SEC. 9. Section 6011.5 of said code is repealed.

SEC. 10. Section 6016.3 is added to said code, to read:

6016.3. "Tangible personal property, for the purpose of this part, includes any leased property affixed to realty if the lessor has a right to remove the property upon breach or termination of the lease agreement, unless the lessor of the property is also the lessor of the realty to which the property is affixed.

SEC. 11. Section 6094 of said code is amended to read:

6094. If a purchaser who gives a certificate makes any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of busi-

ness, the use shall be taxable to the purchaser under Chapter 3 of this part as of the time the property is first used by him, and the sales price of the property to him shall be the measure of the tax. Only when there is an unsatisfied use tax liability on this basis shall the seller be liable for sales tax with respect to the sale of the property to the purchaser.

Sec. 12. Section 6203 of said code is amended to read:

6203. Except as provided by Section 6292 every retailer engaged in business in this state and making sales of tangible personal property for storage, use, or other consumption in this state, not exempted under Chapters 3.5 or 4 of this part, shall, at the time of making the sales or, if the storage, use, or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use, or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the board.

As respects leases constituting sales of tangible personal property, the tax shall be collected from the lessee at the time amounts are paid by the lessee under the lease.

“Retailer engaged in business in this state” as used in this and the preceding section means and includes any of the following:

(a) Any retailer maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business.

(b) Any retailer having any representative, agent, salesman, canvasser or solicitor operating in this state under the authority of the retailer or its subsidiary for the purpose of selling, delivering, or the taking of orders for any tangible personal property.

(c) As respects a lease, any retailer deriving rentals from a lease of tangible personal property situated in this state.

Sec. 13. Section 6244 of said code is amended to read:

6244. If a purchaser who gives a certificate makes any storage or use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the property is first so stored or used.

Sec. 14. Chapter 3.5 (commencing with Section 6271) is added to Part 1, Division 2, of said code, to read:

CHAPTER 3.5. VEHICLES, VESSELS AND AIRCRAFT

Article 1. Definitions

6271. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this chapter.

6272. "Vehicle" is as defined in Section 670 of the Vehicle Code.

6273. "Vessel" means any boat, ship, barge, craft, or floating thing designed for navigation in the water except:

(a) A seaplane,

(b) A watercraft of the type defined by subdivision (d) (2) of Section 651 of the Harbors and Navigation Code,

(c) A watercraft of a type designed to be propelled solely by oars or paddles,

(d) A watercraft of eight feet or less in length of a type designed to be propelled by sail.

A motor or other component of a vessel, whether or not detachable, shall be deemed to be part of the vessel when sold therewith.

6274. "Aircraft" means any powered contrivance designed for navigation in the air except a rocket or missile.

6275. Every person making any retail sale of a vehicle required to be registered under the Vehicle Code or of a vessel or an aircraft as defined in this article, is a retailer for the purposes of this part of the vehicle, vessel or aircraft, regardless of whether he is a retailer by reason of other provisions of this part.

6276. Except when a vehicle is purchased outside this state from the manufacturer or from a vehicle dealer, whenever the purchaser of a vehicle is required to pay the use tax to the Department of Motor Vehicles, the sales price shall be presumed to be its market value at the time of the purchase as that value is determined to measure vehicle license fees imposed under Part 5 of Division 2 of this code. The presumption may be rebutted by evidence which establishes that the sales price was other than such market value.

Article 2. Special Exemptions

6281. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use, or other consumption in this state of, a vehicle required to be registered under the Vehicle Code or a vessel or aircraft, when such property is included in any transfer of all or substantially all the property held or used in the course of a business activity of the person selling the property, and when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer. For the purposes of this section, stockholders, bondholders, partners, or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the property of such corporation or other entity.

6282. There are exempted from the computation of the amount of the sales tax the gross receipts from sales of vehicles required to be registered under the Vehicle Code when the retailer is other than a person licensed or certificated pur-

suant to the Vehicle Code as a manufacturer, dealer, or dismantler.

6283. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of a vessel or of an aircraft when the retailer is other than a person holding a valid seller's permit issued pursuant to Article 2 of Chapter 2 of this part.

6284. If a person is engaged in the business of selling vehicles, vessels or aircraft he shall not be excused from the requirements of Article 2 of Chapter 2 of this part, by reason of the exemptions provided in Sections 6282 and 6283.

6285. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption in this state of a vehicle required to be registered under the Vehicle Code, or of a vessel or an aircraft, when the person selling the property is either the parent, grandparent, child or spouse of the purchaser and the person selling is not engaged in the business of selling the type of property for which the exemption is claimed.

Article 3. Auxiliary Collection Provisions

6291. Notwithstanding Section 6451, the use taxes imposed by this part with respect to the storage, use or other consumption in this state of vehicles required to be registered under the Vehicle Code and of vessels and aircraft as defined in this chapter are due and payable by the purchaser at the time the storage, use or other consumption of the property first becomes taxable. Delinquency penalties and interest with respect to use tax for vehicles registered with the Department of Motor Vehicles shall be as provided in Section 6292. Delinquency penalties and interest with respect to use tax for vessels and aircraft shall be imposed as if the due date of the tax were fixed by Section 6451.

6292. (a) When a vehicle required to be registered under the Vehicle Code is sold at retail by other than a person licensed or certificated pursuant to the Vehicle Code as a manufacturer, dealer or dismantler, the retailer is not required or authorized to collect the use tax from the purchaser, but the purchaser of the vehicle must pay the use tax to the Department of Motor Vehicles acting for and on behalf of the board pursuant to Section 4750.5 of the Vehicle Code.

(b) If the purchaser does not make timely application to that department, but is subject to penalty because of delinquency in effecting registration or transfer of registration of the vehicle, he then becomes liable also for penalty as specified in Section 6591 of this code, but no interest shall accrue.

(c) Application to that department by the purchaser shall relieve the purchaser of the obligation to file a return with the board under Section 6452.

SEC. 15 Section 6367 of said code is amended to read:

6367. There are exempted from the taxes imposed by this part the gross receipts from occasional sales of tangible personal property and the storage, use, or other consumption in this state of tangible personal property, the transfer of which to the purchaser is an occasional sale. This exemption does not apply to the gross receipts from the sale of, or to the storage, use, or other consumption in this state of, a vessel or aircraft, as defined in Article 1 of Chapter 3.5 of this part, or a vehicle required to be registered under the Vehicle Code. This section shall not preclude the exemption afforded under Section 6281.

SEC. 17. Section 6381 of said code is amended to read:

6381. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of any tangible personal property to:

(a) The United States, its unincorporated agencies and instrumentalities;

(b) Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States;

(c) The American National Red Cross, its chapters and branches.

This exemption does not extend to the rentals payable under a lease of tangible personal property.

SEC. 18. Section 6389 of said code is repealed.

SEC. 19. Section 6422 of said code is repealed.

SEC. 20. Section 6390 is added to said code, to read:

6390. There are exempted from the computation of the amount of the sales tax the rentals payable under a lease of tangible personal property (a) when such rentals are required to be included in the measure of the use tax or (b) when such property is situated outside this state.

SEC. 21. Section 6391 is added to said code, to read:

6391. There are exempted from the computation of the amount of the sales tax the rentals payable under a lease of tangible personal property for any period of time for which the lessor is unconditionally obligated to lease the property for an amount fixed by the lease prior to the operative date of this section and the lessor did not elect under Sections 6094 or 6244 to pay use tax measured by the amount of the rental charge.

SEC. 23. Section 6401 of said code is amended to read:

6401. The storage, use, or other consumption in this state of property, the gross receipts from the sale of which are required to be included in the measure of the sales tax, is exempted from the use tax; provided, however, that this exemption does not extend to the possession of, or the exercise of any right or power over, tangible personal property by a lessee under a lease.

SEC. 24. Section 6422.1 is added to said code, to read:

6422.1. The board may provide for exemption certificates and other tax clearance certificates to be issued by it or by retailers selling vehicles as defined in Article 1 of Chapter 3.5 of this part. Such certificates shall be used to allow a completion of registration of a vehicle by the Department of Motor Vehicles. The certificates may indicate that the board finds that no use tax is due or is likely to become due with respect to the storage, use or other consumption of the vehicle, or that the tax has been paid or is to be paid in a manner not requiring the withholding of a registration or transfer of registration. The certificates shall be in such form as the board may prescribe and shall be executed, issued and accepted for clearance of registration on such conditions as the board may prescribe. The issuance, alteration, forgery or use of any such certificate in a manner contrary to the requirements of the board constitutes a misdemeanor.

SEC. 25. Section 6451.5 is added to said code, to read:

6451.5. Commencing with August 1 of the year 1965, when the measure of the taxes imposed by this part for either of the first two calendar months of any quarterly period exceeds seventeen thousand dollars (\$17,000), an amount equal to not less than 90 percent of the amount of tax liability for that month shall be prepaid to the board on or before the 25th day of the month next following. The amount of the prepayment shall constitute a credit against the amount of the taxes due and payable for the quarterly period ending March 31, June 30, September 30, or December 31, as the case may be. This section is without application to taxes imposed under ordinances adopted pursuant to Part 1.5 (commencing with Section 7200) of this division nor to persons filing returns for other than quarterly periods.

SEC. 26. Section 6452.5 is added to said code, to read:

6452.5. Any person required to make a prepayment pursuant to Section 6451.5 shall report the amount of such prepayment on a form prescribed by the board and deliver the form together with a remittance of the amount shown due thereon to the office of the board on or before the 25th day of the month following the month for which the prepayment is made.

SEC. 27. Section 6454.5 of said code is repealed.

SEC. 28. Section 6454.5 is added to said code, to read:

6454.5. If the person has made a prepayment pursuant to Section 6451.5, the person shall deliver the return for the quarterly period in which the prepayment is made to the board, on or before the 25th day of the month following the quarterly period, together with a remittance of the difference between any amount of a prepayment and the amount shown due by the return. The taxes so payable with the quarterly return shall be due and payable on or before the 25th day of the month following the quarterly period.

SEC. 29. Section 6457 of said code is amended to read:

6457. Section 6453 shall not be applicable with respect to a lease of tangible personal property, but the lessor shall report the rentals paid by the lessee during the preceding reporting period; a lessee shall report the rentals payable in the preceding reporting period upon which tax has not been paid to his lessor required to collect the tax. The return shall also show the amount of the taxes for the period covered by the return and such other information as the board deems necessary for the proper administration of this part.

SEC. 31. Section 6591.5 is added to said code, to read:

6591.5. Any person who fails to make a prepayment of any tax shall pay in addition to the tax or amount of tax, a penalty of 6 percent on any amount a sum equal to 90 percent of the liability for any monthly prepayment, exceeds the amount prepaid.

SEC. 36. Section 4000 of the Vehicle Code is amended to read:

4000. (a) No person shall drive, move, or leave standing any motor vehicle, trailer, semitrailer, pole or pike dolly, logging dolly, or auxiliary dolly upon a highway unless it is registered and the appropriate fees have been paid under this code.

No person shall drive, move, or leave standing any motor vehicle upon a highway which has been registered in violation of Chapter 3 (commencing at Section 24378) of Division 20 of the Health and Safety Code.

(b) The provisions of this section shall not apply, following payment of fees due for registration, during such time that registration and transfer is being withheld by the Department of Motor Vehicles pending the investigation of any use tax due under the provisions of the Revenue and Taxation Code.

SEC. 37. Section 4300.5 of said code is amended to read:

4300.5. An application for registration under Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code of a vehicle previously registered outside of this state must be accompanied by payment of the amount required to be paid under Part 1 (commencing with Section 6001), Division 2 of the Revenue and Taxation Code with respect to the use of the vehicle by the applicant.

SEC. 38. Section 4451 of said code is amended to read:

4451. The certificate of ownership shall contain:

(a) Not less than the information required upon the face of the registration card.

(b) Provision for notice to the department of a transfer of the title or interest of the owner or legal owner.

(c) Provision for application for transfer of registration by the transferee.

(d) Certificates of ownership issued by the department for the year 1958 and subsequent years shall contain provision for a statement by the transferor, other than the legal owner,

to the effect that the proposed transfer of title or other interest in the motor vehicle is not in violation of the provisions of Article 5 (commencing with Section 16100), Chapter 1, Division 7 of this code.

SEC. 39. Section 4750.5 of said code is amended to read:

4750.5. (a) The department shall withhold the registration or the transfer of registration of any vehicle sold at retail to any applicant by any person other than a vehicle manufacturer or dealer holding a license and certificate issued pursuant to Chapter 4, Division 5 of the Vehicle Code, or an automobile dismantler holding a license and certificate issued pursuant to Chapter 3, Division 5 of the Vehicle Code, until the applicant pays to the department the use tax measured by the sales price of the vehicle as required by the Sales and Use Tax Law, together with penalty, if any, unless the State Board of Equalization finds that no use tax is due. If the applicant so desires, he may pay the use tax and penalty, if any, to the department so as to secure immediate action upon his application for registration or transfer of registration, and thereafter he may apply through the Department of Motor Vehicles to the State Board of Equalization under the provisions of the Sales and Use Tax Law for a refund of the amount so paid.

(b) The department shall transmit to the State Board of Equalization all collections of use tax and penalty made under this section. This transmittal shall be made at least monthly, accompanied by a schedule in such form as the department and board may prescribe.

(c) The State Board of Equalization shall reimburse the department for its costs incurred in carrying out the provisions of this section. Such reimbursement shall be effected under agreement between the agencies, approved by the Department of Finance.

(d) In computing any use tax or penalty thereon under the provisions of this section dollar fractions shall be disregarded in the manner specified in Section 9559 of this code. Payment of tax and penalty on this basis shall be deemed full compliance with the requirements of the Sales and Use Tax Law insofar as they are applicable to the use of vehicles to which this section relates.

SEC. 40. Section 5600 of said code is amended to read:

5600. No transfer of the title or any interest in or to a vehicle registered under this code shall pass, and any attempted transfer shall not be effective, until the parties thereto have fulfilled either of the following requirements:

(a) The transferor has made proper endorsement and delivery of the certificate of ownership and delivery of the registration card to the transferee as provided in this code and the transferee has delivered to the department or has placed the certificate and card in the United States mail addressed to the department when and as required under this code with the proper transfer fee, together with the amount required to be paid under Part 1 (commencing with Section 6001), Division

2 of the Revenue and Taxation Code with respect to the use by the transferee of the vehicle, and thereby makes application for a transfer of registration except as otherwise provided in Sections 5905, 5906, 5907, and 5908.

(b) The transferor has delivered to the department or has placed in the United States mail addressed to the department the appropriate documents for the registration or transfer of registration of the vehicle pursuant to the sale or transfer except as provided in Section 5602.

SEC. 41. Of the revenues made available by this act, the sum of twenty-five million dollars (\$25,000,000) shall not be expended until specifically appropriated, it being the intent of the Legislature to appropriate these funds for the purposes of capital outlay.

SEC. 42. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However this act shall not become operative until August 1, 1965.

CHAPTER 3

An act to amend and supplement the Budget Bill for the 1965-66 fiscal year (enacted as the Budget Act of 1965) by adding Section 2.4B, relating to an appropriation for artificial reefs and fish hatcheries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1965. Filed with
Secretary of State July 23, 1965]

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

SECTION 1. Section 2.4B is added to the Budget Bill for the 1965-66 fiscal year, enacted as the Budget Act of 1965, to read:

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT PROGRAM

Sec. 2.4B. The following sum of money, or so much thereof as may be necessary, unless otherwise provided herein, is hereby appropriated for the 1965-66 fiscal year beginning July 1, 1965, and ending June 30, 1966. This appropriation shall be paid out of the State Beach, Park, Recreational, and Historical Facilities Fund in the State Treasury. Any money received from the federal government as reimbursement for expenditures made with money appropriated pursuant to this section shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund and shall be available for expenditure pursuant to the provisions of the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964.

363A—For capital outlay, Wildlife Conservation Board and the Department of Fish and Game,

pursuant to Section 5096.15(c) of the Public Resources Code, for expenditure during the 1965-66, 1966-67 and 1967-68 fiscal years, in accordance with the following schedule:— 347,000
Schedule:

(a) American River Hatchery— working drawings -----	120,000
(b) Fillmore Hatchery — work- ing drawings -----	50,000
(c) Artificial reefs — southern California ocean beaches----	177,000
Total of schedule-----	347,000

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

The present provisions of the Budget Act of 1965 do not make adequate provision for the existing and anticipated shortage of wildlife conservation facilities, the present facilities being inadequate. The capital outlay appropriation in this act is in continuation of an existing program under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 to remedy the aforesaid shortage of facilities. If the appropriation is not available for expenditure at the earliest possible date, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 4

An act to add Section 434 to the Health and Safety Code, relating to public medical 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 434 is added to the Health and Safety Code, to read:

434. The Legislature finds that in certain areas there is a need for nursing and convalescent homes for persons who are indigent. It is the purpose of this section to provide authorization for the construction of such homes, so that public medical assistance may be provided, under the state's medical assistance programs, for such indigent persons.

The State Department of Public Health may issue a certificate of need upon application by a chartered nonprofit cor-

poration, for a nursing and convalescent home which provides or makes available medical care for indigent persons, to be constructed under the Mortgage Insurance Program of the Federal Housing Administration.

CHAPTER 5

An act to amend and supplement the Budget Bill for the 1965-66 fiscal year (enacted as the Budget Act of 1965) by adding thereto Section 2.4A, relating to an appropriation for the creation of a state park in the vicinity of Lake Tahoe, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1965. Filed with
Secretary of State July 23, 1965.]

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

SECTION 1. Section 2.4A is added to the Budget Bill for the 1965-66 fiscal year enacted as the Budget Act of 1965, to read:

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT PROGRAM

Sec. 2.4A. The following sum of money, or so much thereof as may be necessary, unless otherwise provided herein, is hereby appropriated for the 1965-66 fiscal year beginning July 1, 1965, and ending June 30, 1966. This appropriation shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury. Any money received from the federal government as reimbursement for expenditures made with money appropriated pursuant to this section shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund and shall be available for expenditure pursuant to the provisions of the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964.

362A—For capital outlay, Department of Parks and Recreation, pursuant to Section 5096.15

(a) of the Public Resources Code. For expenditure during the 1965-66, 1966-67, and 1967-68 fiscal years, in accordance with the following schedule -----

8,400,000

Schedule:

(a) Land acquisition -----	8,300,000
(b) Acquisition costs -----	100,000

Total of schedule ----- 8,400,000

The funds appropriated above shall be restricted to expenditure for the Sugar Pine Point State Park; provided that none of the funds made available by this item shall be expended for acquisition of any lands not included in the report of the Department of

Parks and Recreation on the above project; provided, further, that the funds appropriated above may be expended for the purpose of making a negotiated purchase of all of the property included in the report of the Department of Parks and Recreation on the above project owned by the Ehrman Estate; provided, further, that in the event the Department of Parks and Recreation is unable to negotiate the purchase of such property within the amount so appropriated, then the amount of seven million four hundred thousand dollars (\$7,400,000), and no more, of the funds appropriated above shall be available for expenditure for the acquisition of property by eminent domain in the following area: all of Sections 16, 17, 20, and 21, Township 14 N, Range 17 E, Mount Diablo Base Meridian, owned by the Ehrman Estate; and provided, further, that in the event the Department of Public Works acquires any of the property acquired with funds appropriated above for state highway right-of-way, any money received by the Department of Parks and Recreation from the Department of Public Works shall be deposited in the State Beach, Park, Recreational and Historical Facilities Fund and shall be available for expenditure pursuant to Section 5096.15(a) of the Public Resources Code.

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

The present provisions of the Budget Act of 1965 do not make adequate provision for the existing and anticipated shortage of state park facilities, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriation in this act is in continuation of an existing program under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the state. If the appropriation is not available for expenditure at the earliest possible date, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation contained in this measure. It is therefore necessary that this act go into immediate effect.

**CONCURRENT AND JOINT
RESOLUTIONS**

FIRST EXTRAORDINARY SESSION

1965

CONCURRENT AND JOINT RESOLUTIONS

ADOPTED AT THE 1965 FIRST EXTRAORDINARY SESSION OF THE LEGISLATURE

CHAPTER 1

Senate Concurrent Resolution No. 3—Relating to the career of the Honorable Nelson S. Dilworth.

[Filed with Secretary of State July 6, 1965.]

WHEREAS, Members of the Senate learned with sorrow of the death of the Honorable Nelson S. Dilworth on June 21 of this year; and

WHEREAS, The Honorable Nelson S. Dilworth, a native of Ohio, came to California at an early age and worked on farms in the southern part of the state until he acquired a farm of his own; and

WHEREAS, The Honorable Nelson S. Dilworth was elected to the Assembly of the State of California in 1936 and reelected in 1938, 1940, and 1942 and was elected to the Senate in 1944, reelected in 1948, 1952, and 1956, serving on important committees and becoming the author of noteworthy legislative enactments; and

WHEREAS, The Honorable Nelson S. Dilworth enlisted in the U.S. Army in 1917, served in World War I in France, later organized Post 53 of the American Legion at Hemet, married Lillian Whiteman and became the father of three sons; and

WHEREAS, The Honorable Nelson S. Dilworth was keenly interested in the welfare of Riverside County in particular, the State of California in general, and became recognized as a patriot and one dedicated to the support of the finest of American ideals, having been President of Riverside County and Hemet Valley Chambers of Commerce, author of the bill that removed the Communist Party from the election ballot in California, sponsored legislation to establish the Institute for Cancer Research at the University of California, originated California's unique building aid laws, secured funds for the building of a branch of the University of California at Riverside, was the recipient of five medals from the Freedom Foundation at Valley Forge and the National Society of the Sons of the American Revolution for public addresses on the meaning of our National Constitution and was formally cited for patriotic legislative service by the Disabled American Veterans, Veterans of Foreign Wars, the American Legion, The

Navy League, and The Daughters of the American Revolution; and

WHEREAS, The Honorable Nelson S. Dilworth was the soul of honor, the essence of patriotism, and the emblem of sincerity and righteousness in office; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the people of the State of California have lost a faithful and distinguished leader in the passing of the Honorable Nelson S. Dilworth and that they desire, by this resolution, to pay tribute to his memory and to convey sympathy to his beloved wife and three sons, and be it further

Resolved, That when the Legislature adjourns from its labors on this 26th day of June, 1965, it shall do so in honor to the memory of the Honorable Nelson S. Dilworth; and be it further

Resolved, That the Secretary of the Senate be directed to have suitably prepared copies of this resolution forwarded to the bereaved relatives of the Honorable Nelson S. Dilworth.

CHAPTER 2

Senate Concurrent Resolution No. 5—Relative to the Joint Legislative Committee on Tidelands.

[Filed with Secretary of State July 6, 1965.]

WHEREAS, The developed and undeveloped tideland portion of the Wilmington Oil Field, Long Beach, California, constitutes one of the most valuable coastal assets in the nation and state; and

WHEREAS, Chapter 138, Statutes of 1964, First Extraordinary Session, orders the City of Long Beach and the State Lands Commission to “. . . prepare a contractor’s agreement and any other necessary contracts or agreements for the production of oil, gas or other hydrocarbons from the undeveloped portion of the Long Beach tidelands (or the estimated productive portion thereof), in accordance with good oilfield practice and prevention of land surface subsidence incident thereto.”; and

WHEREAS, These tidelands should be developed, operated and administered to the benefit and protection of the people of California and the citizens of Long Beach; and

WHEREAS, The Legislature has reviewed the proposed Santa Monica Causeway Project in connection with the presentation of Assembly Bill 2050 at the 1965 General Session; and

WHEREAS, Assembly Bill 2050 as presented to the 1965 General Session would authorize a joint powers study by the Cities of Santa Monica and Los Angeles, and the County of Los Angeles for purposes of developing a master plan for a proposed Santa Monica Causeway Project on state-owned tide

and submerged lands to be submitted to the 1967 General Session; now, therefore, be it

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

1. The Joint Legislative Committee on Tidelands is hereby authorized and directed to ascertain, study and analyze all facts relating but not limited to the responsibility, workload, staff availability and staff needs of the State Lands Division in supervising the development and operation of the Long Beach Unit, Wilmington Oil Field, over the life of the field.

2. The committee's study shall take into account, among other things, the provisions of Chapter 138, Statutes of 1964, First Extraordinary Session, the existing staff of the State Lands Division, the existing staff of Long Beach as operator for the state, the specific number of man-hours needed to accomplish defined tasks and the use of proceeds for the wise and adequate development, maintenance, operation and supervision of the trust lands.

3. The committee shall file its report on this subject to the Legislature no later than March 1, 1966; and be it further

Resolved, That the Joint Legislative Committee on Tidelands is hereby authorized and directed to work in cooperation with the joint powers agency established under Assembly Bill 2050 of the 1965 General Session and all other parties participating in the development of the master plan and to provide liaison between the Legislature and those working on the master plan, and report its findings on this subject no later than the fifth legislative day of the 1967 General Session, provided, however, that such study and other cooperative action shall be contingent upon the enactment of Assembly Bill 2050 into law; and be it further

Resolved, That 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; and be it further

Resolved, That the committee has the following additional powers and duties:

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

(b) 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.

(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; and be it further

Resolved, That 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 Senate and Assembly for expenditure in accordance with the following schedule 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:

Schedule:

(a) For the study of the subject of the administration of the Wilmington Oil Field	\$45,000
(b) For the study and other cooperative action relating to the proposed Santa Monica Causeway Project	5,000
Total of schedule	\$50,000

CHAPTER 3

Senate Concurrent Resolution No. 1—Relative to motor vehicle pollution control.

[Filed with Secretary of State July 7, 1965.]

WHEREAS, The intent of the Legislature in enacting Senate Bill 317 of the 1965 session is to require roadside inspection of motor vehicles by the California Highway Patrol; and

WHEREAS, It is the belief of the major American automobile manufacturers that devices to control emissions of pollutants from motor vehicles require periodic servicing; and

WHEREAS, It is a difficult technical problem to measure emissions of pollutants from motor vehicles; and

WHEREAS, The California Highway Patrol will have legal responsibility to determine if specified motor vehicles are in compliance with state standards in respect to allowable emissions; and

WHEREAS, The law will provide that a "Licensed Station" shall issue a certificate of compliance to the owner or driver of a vehicle indicating the vehicle has met state standards and regulations of the Motor Vehicle Pollution Control Board, now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Highway Patrol may accept such certificate of compliance when presented

by the owner or driver of a vehicle as prima facie evidence that the vehicle meets state requirements for control of emissions; that such certificate of compliance shall have been issued by a licensed station within the past 12 months, or whatever longer period is specified by the California Motor Vehicle Pollution Control Board as being necessary for control of emissions within state requirements; and that if the owner or driver of a vehicle does not have such certificate of compliance, the California Highway Patrol may require whatever test procedures are necessary to determine if the vehicle is in compliance with state requirements; and be it further

Resolved, That the Secretary of the Senate shall transmit a copy of this resolution to the Commissioner of the California Highway Patrol.

CHAPTER 4

Senate Concurrent Resolution No. 8—Relative to final adjournment of the 1965 First Extraordinary Session of the Legislature.

[Filed with Secretary of State July 14, 1965.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1965 First Extraordinary Session of the Legislature of the State of California shall adjourn sine die at midnight on the sixth day of July, 1965.