STATUTES OF CALIFORNIA

FIRST EXTRAORDINARY SESSION
1966

Began Monday, February 10, 1966, and Adjourned
Thursday, July 7, 1966

PROCLAMATION BY THE GOVERNOR

CONVENING THE LEGISLATURE IN FIRST EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

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

I, EDMUND G. BROWN, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet in extraordinary session at Sacramento, California, on the tenth day of February, 1966, at 11:00 a.m. of said day for the following purpose and to legislate upon the following subjects:

Item No. 1. To consider and act upon legislation relative to accounting procedures used by the state with respect to revenue derived pursuant to the Bank and Corporation Tax Law.

Item No 2 To consider and act upon legislation relative to procedures and practices in assessing property for purposes of taxation.

Item No. 3. To consider and act upon legislation relative to financing capital outlay for construction or improvement of public schools.

Item No 4. To consider and act upon legislation relative to the employment of additional teachers at public schools within areas of acute poverty.

Item No. 5 To consider and act upon legislation relative to consolidation of community-level services and facilities of governmental agencies and officers.

Item No 6 To consider and act upon legislation relative to incendiary devices and activities, and interference with police and firefighting

Item No. 7 To consider and act upon legislation relative to enabling courts to function properly in event of large, sudden increase of criminal cases

Item No. 8 To consider and act upon legislation relative to the San Francisco Bay Area Rapid Transit District and the Southern California Rapid Transit District

Item No 9 To consider and act upon legislation relative to augmentation of the emergency funds.

Item No. 10 To consider and act upon legislation relative to motor vehicle pollution control

Item No 11 To consider and act upon legislation relative to:

a. The regulation and control of outdoor advertising along or adjacent to highways
b. The screening and removal of junkyards, automotive graveyards and scrap-processing plants along or adjacent to highways.
c. The acquisition and preservation of scenic areas along or adjacent to highways.

Item No. 12. To consider and act upon legislation relative to water pollution and water quality protection in the Lake Tahoe Basin

Item No. 13 To consider and act upon legislation relative to the establishment of a system for gathering, storing, handling, and reporting information by the state and other government organizations.

Item No. 14 To consider and act upon legislation relative to implying consent of persons arrested for driving while intoxicated to chemical tests.

Item No 15. To consider and act upon legislation relative to making an appropriation for funding the non-reimbursable joint costs and specific land costs for recreation and fish and wildlife enhancement associated with state water projects

Item No. 16 To consider and act upon legislation relative to ratification of the California-Nevada Interstate Compact.

Item No. 17. To consider and act upon legislation relative to ratification of the Interstate Compact for Education.

Item No. 18. To consider and act upon legislation relative to:

a. A program of guaranteed loans for students at institutions of higher education.
b. Designating the State Scholarship Commission as the state agency to carry out the purposes and provisions of Title IV of the Higher Education Act of 1965 (P.L. 89-329).
c. Designating the Coordinating Council for Higher Education as the state educational agency to carry out the purposes and provisions of Title I and Title VI of the Higher Education Act of 1965 (P.L. 89-329), and Section 802 of the Housing Act of 1964.

Item No. 19. To consider and act upon legislation relative to:

a. Validating the organization, boundaries, governing officers or boards, acts, proceedings and bonds of public bodies.
b. Validating the late filing of documents under Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

Item No. 20. To consider and act upon legislation relative to state cooperation with the federal government in connection with the Auburn-Folsom South Unit, American River Division, Central Valley Project.

Item No. 21. To consider and act upon legislation relative to tax relief for the elderly.

Item No. 22. To consider and act upon legislation relative to increasing the compensation of clerical employees of the state.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this ninth day of February, 1966.

EDMUND G. BROWN
Governor of California

[SEAL]

[ATTEST] FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session and has convened on February 10, 1966; 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 February 9, 1966, 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. 23. To consider and act upon legislation relative to increase of the number of courts and judges.

Item No. 24. To consider and act upon legislation relative to public contributions for costs of administration of the State Teachers' Retirement System

Item No. 25. To consider and act upon legislation relative to the appointment of the State Planning Officer.

Item No. 26 To consider and act upon legislation relative to increasing the membership of the Youth Authority Board

Item No 27. To consider and act upon legislation relative to increase of the number and compensation of court attachés and employees.

Item No. 28. To consider and act upon legislation relative to correcting administrative errors or omissions in counties with respect to tax levies for school districts.

Item No. 29. To consider and act upon legislation relative to claim forms for insurance policies other than life and disability policies

Item No. 30 To consider and act upon legislation relative to church and welfare property tax exemptions.

Item No. 31. To consider and act upon legislation relative to compensation for city councilmen.

Item No. 32. To consider and act upon legislation relative to the age of boxers who participate in amateur boxing events.

Item No. 33. To consider and act upon legislation relative to the Yuba County Water Agency.

Item No. 34. To consider and act upon legislation relative to the creation of the National Redwood Road Committee.

Item No. 35. To consider and act upon legislation relative to uniform district elections.

Item No. 36. To consider and act upon legislation relative to annexation charges levied under the Metropolitan Water District Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-first day of February, 1966.

[SEAL]

EDMUND G. BROWN
Governor of California

[ATTEST] FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session and has convened on February 10, 1966; 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 February 9, 1966, 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. 37. To consider and act upon legislation relative to accounting procedures used by the state with respect to revenues

Item No. 38. To consider and act upon legislation relative to the Water Conservation District Law of 1931.

Item No. 39. To consider and act upon legislation relative to creating a Department of Harbors and Navigation and a Harbors and Navigation Commission.

Item No. 40. To consider and act upon legislation relative to financial assistance to public libraries.

Item No. 41. To consider and act upon legislation relative to the disposition of traffic fines and forfeitures.

Item No. 42. To consider and act upon legislation relative to division of the State Employees' Retirement System to provide coverage under the Social Security Act for employees of public school districts.

Item No. 43. To consider and act upon legislation relative to the forfeiture of vehicles to the state.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of March, 1966.

[SEAL]

EDMUND G. BROWN
Governor of California

[ATTEST] FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session and has convened on February 10, 1966; 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 February 9, 1966, 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 44. To consider and act upon legislation relative to the extraction and removal of geothermal fluids.

Item No 45. To consider and act upon legislation relative to water districts

Item No 46 To consider and act upon legislation relative to scholarship programs for public school teachers

Item No 47 To consider and act upon legislation relative to compensation of the members of the California Women's Board of Terms and Parole

Item No 48 To consider and act upon legislation relative to California State Polytechnic College.

Item No. 49 To consider and act upon legislation relative to development centers for handicapped minors

Item No. 50 To consider and act upon legislation relative to compensation of the members of the Narcotic Addict Evaluation Authority

Item No. 51 To consider and act upon legislation relative to the licensing of home health agencies.

Item No 52 To consider and act upon legislation relative to the acquisition of water supplies from the Washoe Project on the Truckee and Carson Rivers or their tributaries

Item No. 53 To consider and act upon legislation relative to authorizing other states to conduct licensing examinations in California dental schools

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this eleventh day of March, 1966.

EDMUND G. BROWN
Governor of California

[SEAL]

[ATTEST] FRANK M. JORDAN
Secretary of State

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session and has convened on February 10, 1966; 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 February 9, 1966, 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. 54. To consider and act upon a revision of Article III of the California Constitution

Item No. 55. To consider and act upon a revision of Article IV of the California Constitution

Item No 56 To consider and act upon a revision of Article VI of the California Constitution

Item No 57. To consider and act upon legislation relative to legislators' compensation, expenses, and conflicts of interest

Item No. 58. To consider and act upon legislation relative to regulation and control of DMT (Dimethyltrypatamine)

Item No 59 To consider and act upon legislation relative to making the California Marketing Act of 1937 applicable to seafood

Item No. 60. To consider and act upon legislation relative to health and welfare benefit plan coverage for school district employees.

Item No 61. To consider and act upon legislation relative to regulation and control of LSD (Lysergic acid diethylamide).

Item No. 62. To consider and act upon legislation relative to the conversion of overhead electrical and communication facilities to underground locations.

Item No 63 To consider and act upon legislation relative to fees charged by counties for county services.

Item No 64 To consider and act upon legislation relative to savings and loan association dividends

Item No 65 To consider and act upon legislation relative to workmen's compensation benefits.

Item No 66. To consider and act upon legislation relative to retirement of local police officers under the State Employees' Retirement System

Item No. 67 To consider and act upon legislation relative to state cooperation and participation with federal government with respect to recreation and fish and wildlife enhancement facilities at federal water projects.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 21st day of March, 1966

EDMUND G BROWN
Governor of California

[SEAL]

[ATTEST] FRANK M JORDAN
Secretary of State

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

PROCLAMATION

WHEREAS, The Legislature of the State of California has been called in extraordinary session and has convened on February 10, 1966; 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 February 9, 1966, by adding the following additional purpose thereto, and thereby permitting the Legislature to legislate upon the following subject, in addition to the subjects specified in the original Proclamation, to wit:

Item No. 68. To consider and act upon legislation to add a provision to the Penal Code proscribing conduct committed with intent to incite a riot and prescribing penalties therefor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-first day of June, 1966

EDMUND G. BROWN
Governor of California

[SEAL]

[ATTEST] FRANK M JORDAN
Secretary of State

STATUTES OF CALIFORNIA

PASSED AT THE 1966 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 March 9, 1966. Filed with Secretary of State March 9, 1966.]

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

SECTION 1. The sum of one hundred ninety-six thousand five hundred sixty dollars ($196,560) is hereby appropriated from the General Fund in the State Treasury for payment of the expenses of the Members of the Assembly and the Senate necessarily incurred in connection with the sessions of the Legislature in accordance with the following schedule:

(a) For expenses of Members of the Assembly___ $134,400

(b) For expenses of Members of the Senate _____ $62,160

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 validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor March 11, 1966. Filed with Secretary of State March 11, 1966]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing

with Section 6500), Division 7, Title 1 of the Government Code.
Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrous pest control districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County drainage districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Highway interchange districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Improvement districts of municipal improvement districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts

Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Protection districts
Public cemetery districts
Public utility districts
Rapid transit authorities
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts
Regional planning districts
River port districts
Resort improvement districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Urban renewal agencies
Unified air pollution control districts
Unified port districts
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishment districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies

Zones of county water authorities

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation or merger of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation or merger of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the ques-

tion of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation or merger of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Second Validating Act of 1966.

CHAPTER 3

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 11, 1966. Filed with Secretary of State March 11, 1966.]

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

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.

Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
California water districts
Cemetery districts
Citrous pest control districts
City maintenance districts
Community service districts
Conservancy districts
County boards of education
County drainage districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water agencies
County water authorities
County water districts
County waterworks districts
Drainage districts

Fire protection districts
Flood control and water conservation districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway interchange districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Improvement districts of municipal improvement districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Protection districts
Public cemetery districts
Public utility districts
Rapid transit authorities
Rapid transit districts
Reclamation districts
Recreational harbor districts
Recreation and park districts
Recreation, park and parkway districts
Redevelopment agencies
Regional park districts

Regional planning districts
Resort improvement districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Unified air pollution control districts
Unified port districts
Urban renewal agencies
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water replenishment districts
Water storage districts
Weed abatement districts
Zones of flood control districts
Zones of flood control and water conservation districts
Zones of county water agencies
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All such bonds heretofore authorized to be issued and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending or undetermined during the period of

30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the First Validating Act of 1966.

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

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the state can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 4

An act to add Section 19591.7 to the Education Code, relating to capital outlay for school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 21, 1966. Filed with Secretary of State March 21, 1966.]

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

SECTION 1. Section 19591.7 is added to the Education Code, to read:

19591.7. Notwithstanding any provision of Section 19590 or any other provision of law to the contrary, an apportionment may be made, during the 1965–1966 fiscal year only, to a school district which has applied for an apportionment under this chapter and to which the following facts are applicable:

(a) A conditional apportionment was made to the district between October 11, 1965, and January 12, 1966, in connection with which a determination was made by the board under Section 19590 fixing a portion of the total amount of bonds permitted by law to be issued by the district, which were to be issued and sold by the district as a condition upon entitlement to the apportionment.

(b) Subsequent to the time at which the conditional apportionment was made, and prior to January 12, 1966, the board, upon request of the applicant school district, made a redetermination of the amount of bonds which were to be issued and sold by the district for purposes of the apportionment, and the amount so fixed by the redetermination was such as would, on the date the conditional apportionment was made, have

met all requirements of law respecting the particular indebtedness to be incurred by the district as a condition to entitlement to the apportionment.

SEC. 1.5. This act shall be operative until July 1, 1966, and upon and after such date shall be of no further force or effect.

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

One or more school districts which, during the first months of the 1965–1966 fiscal year, applied for state school building aid apportionments have encountered difficulties in the form of legal questions concerning the precise amounts of bonded indebtedness which they may lawfully incur, or which should be required under applicable laws to be incurred, for purposes of receiving such aid apportionments. The questions have arisen because of district boundary changes, and because of uncertainties in the law, resolved by the Legislature at the 1965 Second Extraordinary Session, concerning the adjustments to be made in district-assessed valuation levels for purposes of determining bonding capacity. As a result, it has become necessary for the State Allocations Board to make redeterminations concerning the bonded indebtedness which should have been fixed to be incurred by the districts, as of the date conditional apportionments were made. In order that final action may be taken as soon as practicable to provide the districts involved with the urgently needed financial assistance, it is necessary that this act take effect immediately.

CHAPTER 5

An act to add Section 54930 to the Government Code, relating to street lighting districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 21, 1966. Filed with Secretary of State March 21, 1966.]

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

SECTION 1. Section 54930 is added to the Government Code, to read:

54930. Notwithstanding Sections 54902 and 54903 of this code, any creation of a street lighting district organized pursuant to the Street Lighting Act of 1919 (Part 1 (commencing with Section 18000), Division 14, of the Streets and Highways Code) between December 1, 1965, and December 31, 1965, shall be effective for assessment or taxation purposes if the statement and maps or plat referred to in Section 54900 are filed

with the assessor and the State Board of Equalization on or before May 1, 1966.

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:

Certain districts formed pursuant to the Street Lighting Act of 1919 between December 1, 1965, and December 31, 1965, did not file the statement and map or plat required to be filed with the assessor and the State Board of Equalization by January 1, 1966, for the creation of the districts to be effective for assessment or taxation purposes in 1966. Since these districts are formed to meet urgent community needs, it is imperative that assessments or taxes be levied for these districts in 1966. Thus, it is necessary that this act take effect immediately.

CHAPTER 6

An act to validate the unification of school districts for assessment and tax purposes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 24, 1966. Filed with Secretary of State March 25, 1966.]

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

SECTION 1. Notwithstanding any other provision of law, any unified school district created after June 1, 1965, and prior to December 31, 1965, shall be effective for assessment and taxation purposes in 1966 if its initial statement and map or plat are filed prior to March 1, 1966, rather than January 1, 1966, as required by Section 54902 of the Government 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:

This act will permit unified school districts which have been created between June 1, 1965 and December 31, 1965 to levy taxes for the year 1966, even though statements and maps or plats required to be filed with assessing authorities are filed after January 1, 1966. In order to permit unified school districts in such circumstances to function and provide services, it is necessary that this act take immediate effect.

CHAPTER 7

An act to add Section 12.1 to the Yuba County Water Agency Act (Chapter 788, Statutes of 1959), relating to the Yuba County Water Agency, declaring the urgency thereof, to take effect immediately

[Approved by Governor March 24, 1966. Filed with Secretary of State March 25, 1966.]

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

SECTION 1. Section 12.1 is added to the Yuba County Water Agency Act (Chapter 788, Statutes of 1959), to read:

Sec. 12.1. In the event construction of the work is to be financed primarily from the funds to be derived from the sale of revenue bonds and all bids received pursuant to Section 12 are rejected for the reason that the funds that can be made available are inadequate to finance the work under the bids, the board may negotiate a contract for construction or performance of the work or improvement or substantially similar work or improvement; provided, however, that such contract shall first be negotiated with the lowest bidder. If the board within three months after the opening of bids or the effective date of this section, whichever occurs later, determines that a contract cannot be executed with the lowest bidder, the board may then negotiate a contract with the second lowest bidder. If the board within six months after the opening of bids or the effective date of this section, whichever occurs later, determines that a contract cannot be executed with the second lowest bidder, the board may then negotiate a contract with the third lowest bidder. The provisions of this section shall apply to all bids including those bids received before the effective date of this section. As used in this section the word "bids" means only responsive bids, and the plural number includes the singular number.

This section shall remain in effect until the 91st day after the final adjournment of the 1969 Regular Session of the Legislature, and shall have no force or effect after that date.

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

(a) The Board of Directors of the Yuba County Water Agency has over a period of years studied and investigated the feasibility of a multipurpose project on the Yuba River for the further development, control, and conservation of the water resources of the Yuba River. This project involves the development of new basic water supplies which are a necessary and integral part of an overall development without which the public health, safety, and welfare may be jeopardized, both

within the agency and in adjoining and downstream areas subject to flooding by the Yuba and Feather Rivers.

(b) The California Water Commission has assigned state applications 5631 and 5632 to the agency and in making such assignment found that said assignment is for the purpose of development not in conflict with a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the state and is in the best interest of the people of the State of California. The State Water Rights Board of the State of California has duly authorized the issuance of permits to the agency to appropriate and store water for the Yuba River project. The Federal Power Commission has granted a license to the agency to develop power from such water to assist on the payment of the cost of the Yuba River project.

(c) The government of the United States has duly investigated the feasibility of the Yuba River project through the United States Corps of Engineers. The United States Corps of Engineers has completed its report and submitted the same to the Congress of the United States (Report of the Chief of Engineers, Department of the Army of 10 March 1965, H. Doc. No. 180, 89th Congress), and the Congress has enacted a bill authorizing a monetary contribution for the flood control accomplishment of the multipurpose Yuba River project to be constructed on the Yuba River by the agency (River and Harbor Act of 1965, Public Law 89-298).

(d) The agency has completed the engineering and design for its Yuba River project providing for the development of the water resources of the Yuba River. The agency has twice advertised for bids, the first time receiving no bids and the second time but one bid. The agency has been advised that if a third call for bids is made, it is likely that either no bids will be received or that no bid as favorable as the one pending bid will be received. Since it is necessary to proceed with the construction of the Yuba River project at the earliest possible date, it is desirable that the agency have authority to negotiate a contract with the responsive bidder or bidders.

CHAPTER 8

An act to amend and supplement the Budget Bill for the 1962–63 fiscal year (enacted as the Budget Act of 1962) by adding thereto Section 2.2A, making an appropriation in augmentation of Item 377 thereof, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 28, 1966. Filed with Secretary of State March 28, 1966.]

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

SECTION 1. Section 2.2A is added to the Budget Bill for the 1962–63 fiscal year enacted as the Budget Act of 1962, to read:

STATE CONSTRUCTION BOND ACT PROGRAM

Sec. 2.2A. The sum of six million dollars ($6,000,000) is hereby appropriated from the State Construction Program Fund to the Trustees of the California State Colleges in augmentation of and upon the same terms and conditions as the appropriation made by Item 377 of the Budget Act of 1962.

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 1962 do not make adequate provision for the acquisition of land for the South Bay State College. If an additional appropriation is not made available for expenditure at the earliest possible date, the construction at the South Bay State College shall be delayed. The efficient operation of the state college system 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 9

An act to add Section 18163.5 to the Streets and Highways Code, relating to lighting districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 28, 1966. Filed with Secretary of State March 28, 1966.]

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

SECTION 1. Section 18163.5 is added to the Streets and Highways Code, to read:

18163.5. Notwithstanding Section 18163, a certified copy of a resolution ordering a proposed improvement and the map or

plat of a district referred to in Section 1816] are effective for assessment purposes in 1966 as to any such district whose creation was initiated by a resolution of intention adopted between December 12, 1965, and December 14, 1965, and whose creation was completed by a resolution of creation adopted on or before January 3, 1966, if a certified copy of the resolution ordering the proposed improvement and the map or plat of the district are filed on or before April 1, 1966, with each assessor whose roll is used for the levy and the State Board of Equalization.

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

Unless this act is passed lighting districts whose creation was initiated by a resolution of intention adopted between December 12, 1965, and December 14, 1965, and whose creation was completed by a resolution of creation adopted on or before January 3, 1966, will not be able to levy taxes for the 1966-67 fiscal year. In order for such districts to properly function and provide services necessary for the public health and safety it is necessary that this act take effect immediately.

CHAPTER 10

An act to provide for school district financing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 31, 1966. Filed with Secretary of State March 31, 1966]

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

SECTION 1. (a) If the conditions specified in subdivision (b) are complied with, the maximum rate of tax of any school district for the fiscal year 1966–1967 is increased by the amount necessary to provide the moneys which were to have been derived from district tax revenues accruing in the 1965–1966 fiscal year, and which were budgeted for expenditure or allocation in the final budget of the district adopted for that fiscal year and actually expended by the district in that fiscal year, for any or all of the purposes specified in Sections 6913.1, 8955, 14210, 14214, 19619, 20801, and 20801.5 of the Education Code, and Section 20532 of the Government Code.

(b) The increase in the maximum tax rate provided for in subdivision (a) shall be applicable only to school districts with respect to which the board of supervisors of that county, the county superintendent of schools of which has jurisdiction of the district, has determined, by resolution adopted on or before June 20, 1966, that because of administrative

error or omission there was a failure to include in the school district tax levies in the 1965–1966 fiscal year the levies necessary to provide the moneys described in subdivision (a) for any or all of the purposes therein specified.

SEC. 2. The deductions to be made for purposes of Section 19611 of the Education Code from apportionments for the 1965–1966 fiscal year, shall be reduced for, or if previously made shall be restored to, a school district to which the provisions of Section 1 of this act are made applicable, in an amount equal to the insufficiency of district tax revenues provided for the district for the 1965–1966 fiscal year for purposes of Section 19619 of the Education Code. Such reduction or restoration shall be made by the State Controller upon certification by the county auditor to the State Controller of the fact of insufficiency of the district tax revenues and the amount thereof. The amount of the reduction or restoration may be deducted from apportionments made to the district in the 1966–1967 fiscal year.

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

Because of administrative error or omission there were excluded from the property taxes levied for a number of school districts for the 1965–1966 fiscal year the levies required to be made for a number of essential operational purposes. In order that the affected districts may secure the fiscal relief provided by this act and make the necessary budgetary arrangements to recoup, in the 1966–1967 fiscal year, the emergency expenditures required to be made because of the administrative errors and omissions in the taxing procedures, it is necessary that this act take effect immediately.

CHAPTER 11

An act to amend Sections 16641, 16641.5, 16642 and 16643 of the Education Code, to repeal Chapter 3 (commencing with Section 1645) as added to Part 3 of Division 2 of the Welfare and Institutions Code by Chapter 1248, Statutes of 1965, and to add Chapter 2.5 (commencing with Section 16150) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to preschool educational programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1966. Filed with Secretary of State April 11, 1966.]

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

SECTION 1. Section 16641 of the Education Code is amended to read:

16641. The State Board of Education shall prescribe minimum educational standards for all preschool educational programs formed under Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code, and it shall be the responsibility of the Department of Education to see that such standards are complied with in all programs established.

SEC. 2. Section 16641.5 of said code is amended to read:

16641.5. The State Board of Education shall adopt application forms for the use of eligible public and nonprofit private agencies that desire to establish preschool educational programs pursuant to the provisions of Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code. Completed application forms shall be approved by the Department of Education before any center may receive state financial support.

SEC. 3. Section 16642 of said code is amended to read:

16642. The Superintendent of Public Instruction and the Director of Social Welfare shall jointly report to the Legislature on the results of the preschool education program formed under the provisions of Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code, at the 1967 General Session and each general session thereafter, and shall make recommendations for adjustments in the program.

SEC. 4. Section 16643 of said code is amended to read:

16643. The governing board of any school district, or the county superintendent of schools with the approval of the county board of education, may establish and maintain preschool educational programs for all children between the ages of three and five, or until enrolled in the public schools, residing within the district or within the jurisdiction of a county superintendent of schools. If a preschool educational program authorized by Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code has been established in the district, a preschool educational program established under this section may be operated in conjunction with that program, provided that the minimum educational standards prescribed pursuant to Section 16641 are met.

The governing board of a school district operating and maintaining a preschool educational program pursuant to this section may include in its budget any amount which it deems necessary for the operation of the program.

SEC. 5. Chapter 3 (commencing with Section 1645) as added to Part 3 of Division 2 of the Welfare and Institutions Code by Chapter 1248, Statutes of 1965, is repealed.

SEC. 6. Chapter 2.5 (commencing with Section 16150) is added to Part 4 of Division 9 of said code, to read:

CHAPTER 2.5. PRESCHOOL EDUCATIONAL PROGRAMS

16150. The Legislature finds and declares that preschool programs with a strong educational component are of great value to all children in preparing them for success in school, and constitute an essential component of public social services as defined in Section 16151. The Legislature further finds that such programs are often not available to many children who, because of the low income of their families, are deprived of this valuable educational experience. Therefore it is the intention of the Legislature in enacting this chapter to provide equal educational opportunity to children of low income or disadvantaged families through appropriate arrangements for preschool programs of an educational value to be developed in accordance with a contractual agreement between the State Department of Social Welfare and the State Department of Education. The Legislature believes that the introduction of young children to an atmosphere of learning will improve their performance and increase their motivation and productivity when they enter school. In order to achieve this end all programs established under this chapter shall be centered upon a defined preschool educational program developed, conducted and administered with the maximum feasible participation of the families served by the program.

16151. The State Department of Social Welfare shall enter into a contract with the Department of Education to provide for a statewide system of preschool programs of an educational value, to be established by any eligible local public or private nonprofit agency which submits an application therefor.

The State Department of Social Welfare shall, in cooperation and consultation with the Department of Education, determine the areas of the state in which the approval and establishment of such preschool educational programs is most likely to fulfill the intent of this chapter.

Any application to operate and maintain a preschool educational program pursuant to this chapter may include a provision for the use of facilities owned and maintained by an eligible local nonprofit private agency, when such facilities may be necessary for the provision of a preschool educational program in the area to be served. Children between the ages of three and five years, or until enrolled in the public schools, shall be eligible to participate in these preschool programs, provided that such instruction is deemed to be in the best interests of the child. Special priority shall be given to children from families of low income. Special priority shall also be given to children from families in which English is not the language primarily used in the home in order that they may develop that degree of English facility necessary to profit from school instruction.

All local preschool educational programs operated pursuant to any contract herein authorized shall be available to any child otherwise eligible pursuant to the procedures established by this chapter and by the contract regardless of race, religion or ethnic background; and no such local preschool program shall be used, in whole or in part, for religious worship or instruction. No funds herein provided may be used for the general support of any private or sectarian school system.

16152. The contract entered into pursuant to Section 16151 shall provide for a fee to be paid by the parent or other person having charge or custody of any child, or to be reimbursed from state and federal funds, on account of the child. The Department of Education shall, pursuant to the contract, establish a system of fees which may be charged to parents who have the financial ability to pay all, or part of, the cost of the child's preschool educational program.

The State Department of Social Welfare shall, pursuant to the contract, pay to the Department of Education a per capita reimbursement for each child certified as eligible for this pro gram and participating in a preschool program established under this chapter. The per capita reimbursement shall not exceed the costs incurred in providing the service, less any parental fees, divided by the total number of children participating in the program.

As used in this section, "costs" include administrative costs which may be incurred by the Department of Education, the Department of Social Welfare, and other local public agencies, necessary for the development and implementation of the public social service herein described and for the designation of those children eligible for participation.

Maximum standards for such costs, per child, shall be established by the Department of Social Welfare, in consultation and cooperation with the Department of Education and with the advice of the advisory committee established pursuant to Section 16155, and such maximum cost standards shall be applied beginning with the 1966–67 fiscal year and each year thereafter.

16153. The State Department of Social Welfare shall receive and administer state and federal funds for this program. Priority in the establishment of programs shall be given to eligible public and nonprofit private agencies in communities with the greatest relative need for such programs.

Notwithstanding any other provision of this code, the State Department of Social Welfare shall not provide any per capita reimbursements pursuant to Section 16152 on account of any local preschool educational program established pursuant to this chapter which does not meet the minimum educational standards established by the State Board of Education and set forth in the contract entered into with the Department of Education.

The State Department of Social Welfare shall have only such functions, duties and responsibilities with respect to the

educational program carried on in preschool centers as is required by law and federal regulations.

16154. The State Department of Social Welfare and the Department of Education shall cooperate fully with the State Board of Health to assure health services for all children enrolled in a program under this chapter.

16155. The Governor shall appoint an advisory committee composed of one representative from the State Board of Public Health, one representative from the State Board of Education, one representative from the State Social Welfare Board, the Directors of the Department of Education, State Department of Social Welfare, and State Department of Public Health, and three persons representing professional or civic groups or public or nonprofit private agencies, organizations or groups concerned with preschool educational programs, which shall provide for a continuing evaluation of the effectiveness of such programs and shall report thereon at each general session of the Legislature.

16156. The State Board of Education shall prescribe minimum educational standards which all local programs formed under this chapter shall meet, and it shall be the responsibility of the Department of Education to see that such standards are complied with in all programs established. Such minimum educational standards shall be set forth in the contract entered into pursuant to Section 16151.

(a) The minimum program of preschool education shall be two hours per day, five days per week, exclusive of time allowed for nap and meals. The rate of qualified adult supervisors to children shall not be less than 1 to 15.

(b) The board shall adopt application forms for the use of eligible public and nonprofit private agencies that desire to establish preschool educational programs. Such completed application forms shall be approved by the Department of Education before any center may receive state financial support.

(c) The board shall provide for the issuance of permits to qualified persons which shall be a prerequisite to their employment in such programs. Such permits shall be issued in accordance with the provisions of Sections 16625 to 16629, inclusive, of the Education Code. The employees of school districts or county superintendents of schools in preschool educational programs shall have the same rights and privileges as are granted to employees of the same agencies in children's centers.

(d) The board shall prescribe such fiscal controls and fund accounting procedures as may be necessary to assure proper accounting for funds received and disbursed in the operation of preschool educational programs by school districts and county superintendents.

16157. The Superintendent of Public Instruction and the Director of Social Welfare shall jointly report to the Legislature on the results of the preschool education programs at the

1967 General Session and each general session thereafter, and shall make recommendations for adjustments in the program.

16158. The Department of Education may adopt standards for the size of physical facilities to be utilized in preschool educational programs, but the Department of Education may deviate from such general standards in establishing standards for the size of such facilities in areas of acute poverty when limited space requires such deviation.

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:

It is essential that this act go into immediate effect to permit the employment of additional teachers in preschool educational programs in areas of acute poverty. In addition, Chapter 3 (commencing with Section 1645) as added to Part 3 of Division 2 of the Welfare and Institutions Code is out of place in the code because of the nonsubstantive recodification of major portions of the code. In order to prevent any delay in the establishment of preschool educational programs due to possible confusion, it is essential that Chapter 3 be relocated to its proper place in the code.

SEC. 8. The appropriation made in Section 7 of Chapter 1248, Statutes of 1965, relating to preschool educational programs provided for by Chapter 3 (commencing with Section 1645) of Part 3 of Division 2 of the Welfare and Institutions Code shall be construed to refer to Chapter 2.5 (commencing with Section 16150) of Part 4 of Division 9 of said code.

CHAPTER 12

An act to repeal Section 36514 of, to add Sections 36514, 36514.5 and 36516.5 to, and to amend Section 36516 of, the Government Code, relating to salaries of city councilmen, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 11, 1966. Filed with Secretary of State April 11, 1966.]

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

SECTION 1. Section 36514 of the Government Code is repealed.

SEC. 2. Section 36514 is added to said code, to read:

36514. At any municipal election, the question of whether city councilmen shall receive compensation for services, and the amount of such compensation, may be submitted to the electors. If a majority of the electors voting at the election favors it, all of the councilmen shall receive the compensation specified in the election call. Compensation of councilmen may

be increased or diminished at any municipal election, in the same manner as it was originally established.

It is hereby declared that it was the intent of the Legislature in the repeal of this section and the enactment of other provisions relating to city councilmen's salaries at the 1965 Regular Session of the Legislature not to invalidate the payment of compensation to councilmen approved by the electorate prior to September 17, 1965, pursuant to Section 36514 as it existed before that date; and any past or future payment of compensation pursuant thereto is hereby confirmed, validated, and declared legally effective.

The provisions of this section shall be alternative to those of Section 36516.

SEC. 3. Section 36514.5 is added to said code, to read:

36514.5. City councilmen may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

SEC. 4. Section 36516 of said code is amended to read:

36516. A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

(a) In cities up to and including 5,000 in population, seventy-five dollars ($75) per month;

(b) In cities over 5,000 up to and including 35,000 in population, one hundred fifty dollars ($150) per month;

(c) In cities over 35,000 up to and including 50,000 in population, two hundred dollars ($200) per month;

(d) In cities over 50,000 up to and including 75,000 in population, two hundred fifty dollars ($250) per month.

(e) In cities over 75,000 in population, three hundred dollars ($300) per month.

For the purposes of this section the population shall be determined by the estimates of population made by the Department of Finance.

In a city changing from a lower to a higher population group as provided in this section, the amount of compensation shall be determined by the latest estimate of population made by the Department of Finance.

Compensation of councilmen may be increased beyond the amount provided in this section or decreased below such amount by an affirmative vote by the majority of the electors of the city voting at any municipal election.

SEC. 5. Section 36516.5 is added to said code, to read:

36516.5. A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A question has been raised as to the legal effect of the 1965 legislation affecting Sections 36514 and 36516 of the Government Code on salaries now being paid to city councilmen, which salaries were adopted pursuant to former Section 36514. The question having been raised, it should be resolved before the cessation of the current terms of office of incumbent councilmen in general law cities. Since such terms will expire in April, 1966, it is necessary that this act take effect immediately.

CHAPTER 13

An act to amend Sections 9164, 9200, 9201, 9202, 9203, 9206, and 9212 of, and to repeal Sections 9204, 9204.1, 9205, 9208, 9209, and 9210 of the Public Resources Code, relating to district elections.

[Approved by Governor April 15, 1966. Filed with Secretary of State April 15, 1966.]

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

SECTION 1. Section 9164 of the Public Resources Code is amended to read:

9164. After all have qualified the directors first elected shall meet and classify themselves by lot into two classes as nearly equal in number as possible. The term of office of those in the class having the least number shall expire at noon on the last Friday in December of the next odd-numbered year after the year in which the meeting is held. The term of office of those in the other class shall expire at noon on the last Friday in December of the second odd-numbered year after the year in which the meeting is held.

SEC. 2. Section 9200 of said code is amended to read:

9200. "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, at which a successor shall be chosen for each director whose term of office expires in December thereafter.

SEC. 3. Section 9201 of said code is amended to read:

9201. Each person nominated as a candidate for the office of director shall be an owner of land, or such a designated agent of a landowner, within the district. As used in this section, a landowner or owner of land is a person who is shown as such upon the last equalized assessment roll of the county or counties within whose boundaries the district is situated.

SEC. 4. Section 9202 of said code is amended to read:

9202. Except as otherwise provided in the chapter, districts governed by this chapter are subject to the provisions of the Uniform District Election Law.

SEC. 5. Section 9203 of said code is amended to read:

9203. Prior to casting a ballot 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. 6. Section 9204 of said code is repealed.

SEC. 7. Section 9204.1 of said code is repealed.

SEC. 8. Section 9205 of said code is repealed.

SEC. 9. Section 9206 of said code is amended to read:

9206. Notwithstanding Section 23524 of the Elections Code, the board of supervisors of the county in which is situated all or the greatest portion of the land in the district shall pay the expenses of the election.

SEC. 10. Section 9208 of said code is repealed.

SEC. 11. Section 9209 of said code is repealed.

SEC. 12. Section 9210 of said code is repealed.

SEC. 13. Section 9212 of said code is amended to read:

9212. The directors so elected and qualified shall take office at noon on the last Friday in December next following their election.

SEC. 14. This act shall become operative on January 1, 1967.

CHAPTER 14

An act to amend Sections 16151, 16152, and 16160 of, and to repeal Sections 16154, 16155, 16156, 16157, 16158, 16159, 16161, and Article 6.5 (commencing with Section 16171) of Chapter 3, Division 7 of, the Public Utilities Code, relating to district elections.

[Approved by Governor April 15, 1966. Filed with Secretary of State April 15, 1966.]

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

SECTION 1. Section 16151 of the Public Utilities Code is amended to read:

16151. The biennial election for the election of directors shall be held on the first Tuesday after the first Monday in November of odd-numbered years. This election is the general district election.

SEC. 2. Section 16152 of said code is amended to read:

16152. Except as otherwise provided in this division, districts governed by this division are subject to the provisions of the Uniform District Election Law.

SEC. 3. Section 16154 of said code is repealed.

SEC. 4. Section 16155 of said code is repealed.

SEC. 5. Section 16156 of said code is repealed.

SEC. 6. Section 16157 of said code is repealed.

SEC. 7. Section 16158 of said code is repealed.

SEC. 8. Section 16159 of said code is repealed.

SEC. 9. Section 16160 of said code is amended to read:

16160. If land is annexed to a district, the board shall reestablish the boundaries of the units and election precincts within the district not less than 90 days before any election in the district. The reestablished boundaries shall include the annexed land in the same manner and with the same effect as set forth in Sections 15953 to 15964, inclusive. If land is annexed less than 90 days before an election within the district, the inhabitants of the land included shall not vote at the election.

SEC. 10. Section 16161 of said code is repealed.

SEC. 11. Article 6.5 (commencing with Section 16171) of Chapter 3, Division 7 of said code is repealed.

SEC. 12. This act shall become operative on January 1, 1967.

CHAPTER 15

An act to amend Sections 6484, 6560, 6580, 13832, 13833, 13835, 13841, 13846, 13893, 14052, 14055, 14056, 14075, 14133, 14651, and 14652, and to repeal Sections 6485, 6564, 6566, 6567, 6568, 6581, 6582, 6583, 6584, 6586, 6587, 6588, 6588.1, 6588.2, 6589, 6590, 6590.5, 6591, 6592, 6593, 13834, 13836, 13836.5, 13837, 13838, 13839, 13847, 13891, 14053, 14054, 14057, 14057.3, 14057.5, 14058, 14059, 14060, 14060.1, 14068, 14131, 14654, 14654.5, 14655, 14656, 14657, 14658, 14659, and 14660 of, the Health and Safety Code, relating to district elections

[Approved by Governor April 15, 1966. Filed with Secretary of State April 15, 1966.]

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

SECTION 1. Section 6484 of the Health and Safety Code is amended to read:

6484. The members of the board elected at the election as a result of which the district was organized or, if the district is reorganized under this part, then the five members in office at the time of the reorganization, shall at their first meeting, or as soon thereafter as may be practicable, so classify themselves, by lot, that they shall go out of office as follows:

(a) Two shall serve until the election held in the first even-numbered year after the year in which the district is formed or reorganized, and until the election and qualification of their successors.

(b) Three shall serve until the second even-numbered year after the district is formed or reorganized, and until the election and qualification of their successors.

Notwithstanding any other provision of this part, except in districts which consolidate the election of directors with the direct primary election, the terms of office of members of the board in all districts existing on January 1, 1967, shall be determined as provided in Section 23505 of the Elections Code, and the terms of office of members of the board in all new districts shall be determined as provided in Section 23506 of the Elections Code.

SEC. 2. Section 6485 of said code is repealed.

SEC. 3. Section 6560 of said code is amended to read:

6560. The election on the question of formation of a district shall be conducted as nearly as practicable in accordance with the Uniform District Election Law.

Except as otherwise provided in this part, general district elections shall be conducted pursuant to the Uniform District Election Law.

SEC. 4. Section 6564 of said code is repealed.

SEC. 5. Section 6566 of said code is repealed.

SEC. 6. Section 6567 of said code is repealed.

SEC. 7. Section 6568 of said code is repealed.

SEC. 8. Section 6580 of said code is amended to read:

6580. Except as provided in Sections 6580.1 and 6580.2, all elections of officers after the formation of the district, which elections shall be known as "general district elections," shall be held on the first Tuesday after the first Monday in November in each odd-numbered year.

SEC. 9. Section 6581 of said code is repealed.

SEC. 10. Section 6582 of said code is repealed.

SEC. 11. Section 6583 of said code is repealed.

SEC. 12. Section 6584 of said code is repealed.

SEC. 13. Section 6586 of said code is repealed.

SEC. 14. Section 6587 of said code is repealed.

SEC. 15. Section 6588 of said code is repealed.

SEC. 16. Section 6588.1 of said code is repealed.

SEC. 17. Section 6588.2 of said code is repealed.

SEC. 18. Section 6589 of said code is repealed.

SEC. 19. Section 6590 of said code is repealed.

SEC. 20. Section 6590.5 of said code is repealed.

SEC. 21. Section 6591 of said code is repealed.

SEC. 22. Section 6592 of said code is repealed.

SEC. 23. Section 6593 of said code is repealed.

SEC. 24. Section 13832 of said code is amended to read:

13832. Notwithstanding any other provision of this part, the terms of office of elected members of the board in all districts formed on or after January 1, 1967, shall be determined as provided in Section 23506 of the Elections Code. The terms of office of the elected members of a district board in office on January 1, 1967, shall be determined as follows:

The term of office of any such member expiring in April of 1967 or 1969 shall instead expire on the last Friday in December of the respective year. The term of office of any such member expiring in April of 1968 shall instead expire on the last Friday in December of 1967. Their successors shall be elected at the general district election held on the first Tuesday after the first Monday in November in the respective year.

In the event that four members are elected at the November 1967 election, they shall meet as soon as practicable after taking office and classify themselves by lot into two equal classes, with one class having a term of four years and one a term of two years.

Except as provided above, the term of office of each elected member of the board is four years or until his successor qualifies and takes office.

SEC. 24.3. Section 13833 of said code is amended to read:

13833. Subsequent to the formation of a district with a board of directors consisting of three elected members or the consolidation of two or more districts, if, by petition of 50 or more electors or by unanimous resolution of the district board, it is proposed to increase the number of directors from three to five, the district board shall, upon receipt of such petition or upon adoption of such resolution, call a special election on the proposition of such change, such election to be held concurrently with the next general district election. If a majority of the votes cast are in favor of the proposition, the board of supervisors shall, at their next meeting, appoint two new directors. Section 23507 of the Elections Code shall govern the appointment and terms of such appointed directors and the election and terms of their successors.

SEC. 24.5. Section 13834 of said code is repealed.

SEC. 25. Section 13835 of said code is amended to read:

13835. Except as otherwise provided in this part, districts governed by this part are subject to the provisions of the Uniform District Election Law.

SEC. 26. Section 13836 of said code is repealed.

SEC 26.5 Section 13836.5 of said code is repealed.

SEC. 27. Section 13837 of said code is repealed.

SEC. 28. Section 13838 of said code is repealed.

SEC. 29. Section 13839 of said code is repealed.

SEC. 30. Section 13841 of said code is amended to read:

13841. Within 60 days after their first election or appointment and after each general district election or unopposed election, and whenever vacancies in any office may occur and are filled, the district board shall meet and organize as a board, electing a president from their number, and a secretary, after which they may transact business. Regular meetings shall be held not less than once every three months. Regular and special meetings shall be called and conducted as prescribed by Sections 54953, 54954 and 54956 of the Government Code.

SEC. 31. Section 13846 of said code is amended to read:

13846. All or any of the members of the district board may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 27200), Division 14 of the Elections Code.

SEC. 32. Section 13847 of said code is repealed.

SEC. 32.5. Section 13891 of said code is repealed.

SEC. 32.6. Section 13893 of said code is amended to read:

13893. Except as otherwise provided in this part, all district elections shall be called, held and conducted in all respects as nearly as practicable in conformity with the Uniform District Election Law.

SEC. 33. Section 14052 of said code is amended to read:

14052. Notwithstanding any other provision of this part, the terms of office of elected members of the board in all districts formed on or after January 1, 1967, shall be determined as provided in Section 23506 of the Elections Code. The terms of office of the elected members of a district board in office on January 1, 1967, shall be determined as follows:

The term of office of any such member expiring in April of 1967 or 1969 shall instead expire on the last Friday in December of the respective year. The term of office of any such member expiring in April of 1968 shall instead expire on the last Friday in December of 1967. Their successors shall be elected at the general district election held on the first Tuesday after the first Monday in November in the respective year.

In the event that four members are elected at the November 1967 election, they shall meet as soon as practicable after taking office and classify themselves by lot into two equal classes, with one class having a term of four years and one a term of two years.

Except as provided above, the term of office of each elected member of the board is four years or until his successor qualifies and takes office.

SEC. 34. Section 14053 of said code is repealed.

SEC. 35. Section 14054 of said code is repealed.

SEC. 35.5. Section 14055 of said code is amended to read:

14055. Subsequent to the formation of a district or the consolidation of two or more districts, if, by petition of 50 or more electors or by unanimous resolution of the district board, it is proposed to increase the number of fire commissioners from three to five, the district board shall, upon receipt of such petition or upon adoption of such resolution, call a special election on the proposition of such change, such election to be held concurrently with the next general district election. If a majority of the votes cast are in favor of the proposition, the board of supervisors shall, at their next meeting, appoint two new fire commissioners. Section 23507 of the Elections Code shall govern the appointment and terms of such appointed fire commissioners and the election and terms of their successors.

SEC. 36. Section 14056 of said code is amended to read:

14056. Except as otherwise provided in this part, districts governed by this part are subject to the provisions of the Uniform District Election Law.

SEC. 37. Section 14057 of said code is repealed.

SEC. 38. Section 14057.3 of said code is repealed.

SEC. 39. Section 14057.5 of said code is repealed.

SEC. 40. Section 14058 of said code is repealed.

SEC. 41. Section 14059 of said code is repealed.

SEC. 42. Section 14060 of said code is repealed.

SEC. 43. Section 14060.1 of said code is repealed.

SEC. 44. Section 14068 of said code is repealed.

SEC. 44.5. Section 14075 of said code is amended to read:

14075. At the next two general district elections following the entry of the order, the district board shall designate the divisions from which commissioners shall be elected. The number designated shall equal the number of commissioners to be elected at such elections.

SEC. 45. Section 14131 of said code is repealed.

SEC 46. Section 14133 of said code is amended to read:

14133. Except as otherwise provided in this part, all district elections shall be called, held and conducted in all respects as nearly as practicable in conformity with the provisions of the Uniform District Elections Law

SEC. 47. Section 14651 of said code is amended to read:

14651. Notwithstanding any other provision of this chapter, the terms of office of directors in office on January 1, 1967, shall be determined as follows:

The term of office of any such director expiring in April of 1967 or 1969 shall instead expire on the last Friday in December of the respective year. The term of office of any such director expiring in April of 1968 shall instead expire on the last Friday in December of 1967. Their successors shall be elected at the general district election held on the first Tuesday after the first Monday in November in the respective year.

In the event that four members are elected at the November 1967 election, they shall meet as soon as practicable after taking office and classify themselves by lot into two equal classes, with one class having a term of four years and one a term of two years.

Except as provided above, the term of office of each director is four years and until his successor qualifies and takes office.

SEC. 48. Section 14652 of said code is amended to read:

14652. Except as otherwise provided in this chapter, districts governed by this chapter are subject to the provisions of the Uniform District Election Law.

SEC. 49. Section 14654 of said code is repealed.

SEC 50. Section 14654.5 of said code is repealed.

SEC. 51. Section 14655 of said code is repealed.

SEC. 52. Section 14656 of said code is repealed.

SEC. 53. Section 14657 of said code is repealed.

SEC. 54. Section 14658 of said code is repealed.
SEC. 55. Section 14659 of said code is repealed.
SEC. 56. Section 14660 of said code is repealed.
SEC. 57. This act shall become operative on January 1, 1967.

CHAPTER 16

An act relating to district elections, and in this connection to amend Sections 13050 and 13052 of, and to repeal Sections 13054, 13055, 13056, 13057, 13059, 13061 and 13063 of, and to add Section 13050.5 to the Public Resources Code; to amend Sections 12, 13, 17, 18 and 72 of, to repeal Sections 19, 19a, 19b, 20, 21, 22, 23 and 24 of, and to add Section 19 to, Chapter 238, Statutes of 1903; to amend Section 7 of, and to add Section 7.5 to, Chapter 310, Statutes of 1905; to amend Section 3 of, and to add Section 3.5 to, Chapter 63, Statutes of 1880; to amend Sections 11, 16 and 17 of, and to repeal Sections 18, 19, 20, 21, 22 and 23 of, and to add Section 16.5 to, Chapter 25, Statutes of 1907; to amend Sections 5 and 6 of, and to add Section 6.5 to, Chapter 222, Statutes of 1909.

[Approved by Governor April 15, 1966. Filed with Secretary of State April 15, 1966.]

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

SECTION 1. Section 13050 of the Public Resources Code is amended to read:

13050. After the authorization of a district board by the board of supervisors, a general district election shall be held on the first Tuesday after the first Monday in November in odd-numbered years, commencing with the first odd-numbered year following the formation of the district board.

SEC. 2. Section 13050.5 is added to said code, to read:

13050.5. Except as otherwise provided in this division, districts governed by this division are subject to the provisions of the Uniform District Election Law.

SEC. 3. Section 13052 of said code is amended to read:

13052. The hours during which the polls shall be opened at any special district election shall be as established by the board.

SEC. 4. Section 13054 of said code is repealed.
SEC. 5. Section 13055 of said code is repealed.
SEC. 6. Section 13056 of said code is repealed.
SEC. 7. Section 13057 of said code is repealed.
SEC. 8. Section 13059 of said code is repealed.
SEC. 9. Section 13061 of said code is repealed.
SEC. 10. Section 13063 of said code is repealed.

SEC. 11. Section 12 of Chapter 238, Statutes of 1903 is amended to read:

Sec. 12. The directors of any district hereafter created under the provisions of this act who shall have been elected at the election on organization of the district, shall, on the first Tuesday after they shall have been declared elected and shall have qualified, meet and classify themselves by lot into two classes as nearly equal in number as possible, and the term of office of the class having the less number shall expire on the last Friday in December of the next odd-numbered year after the year in which said meeting is held, and the term of office of the class having the greater number shall expire on the last Friday in December of the second odd-numbered year after the year in which said meeting is held In districts having an even number of directors it shall be determined by lot which class shall hold office until the last Friday in December of the next odd-numbered year and which shall hold office until said date in the second odd-numbered year. The full term of office for directors is thereafter fixed at four years. After such classification, said directors shall organize as a board by electing a president from their number and by appointing a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors

SEC. 12. Section 13 of said act is amended to read:

Sec. 13. The board of directors shall hold regular meetings in their office quarterly, and such special meetings as may be required for the proper transaction of business; provided, that all special meetings must be ordered by a majority of the board by an order entered in the minutes specifying the business to be transacted. Three days' notice to any member not joining in the order must be given by the secretary, and only the business specified in the order must be transacted at such special meeting. All meetings of the board must be public, and a majority of members shall constitute a quorum for the transaction of business. A minute of all proceedings of the board shall be kept by the secretary and all records of the board shall be open to public inspection during business hours. The board of directors shall, in March of each year and every year, render, and immediately thereafter cause to be published, a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. Said publication shall be made at least once a week for two weeks, in some paper published in the county where the office of the board of directors of such district is situated.

SEC. 13. Section 17 of said act is amended to read:

Sec. 17. In each district organized as herein provided, an election shall be held on the first Tuesday after the first Mon-

day in November of each odd-numbered year, at which shall be chosen a successor to each director whose term of office shall expire in December next thereafter. A director shall be an elector and freeholder of the district, if the directors are elected at large, and shall be an elector and freeholder of the division which the director shall be elected to represent, if directors are elected by divisions. In a district in which the directors are elected by divisions, no one shall be entitled to vote for a director for a division who is not the owner of real property situate in such division, or some improvement thereon, or some interest therein or in such improvement, as provided in Section 7 of this act, as amended. All owners of such property shall be entitled to vote at such election. The number of votes which any such property owner, in any such division, shall be entitled to vote, shall be determined according to the assessed valuation of the property of such voter situated in such division, in the manner provided in Section 7 of this act, as amended.

If the directors are elected at large, each qualified elector of the district may vote, for each director to be elected, as many votes as he may be entitled to vote in accordance with the assessed valuation of his property in the district, as hereinbefore provided.

Within 10 days after receiving their respective certificates of election each person elected a director shall qualify as such by taking and subscribing the official oath and executing an official bond in the sum of one thousand dollars ($1,000), which shall be approved by a judge of the superior court. Such oath and bond shall be in the form prescribed by law for public officers, and shall be filed with the secretary of the board of directors. Each such bond shall be recorded in the office of the county recorder of the county where the organization of the district was effected If a vacancy shall occur in the office of director, the same shall be filled by appointment by the board of supervisors of the county in which the organization of the district was effected. Such appointee shall qualify as herein provided within 10 days after receiving notice of his appointment and shall hold office for the unexpired portion of the term of his predecessor. All directors shall hold office until their successors are elected and shall have qualified.

SEC. 14. Section 18 of said act is amended to read:

Sec. 18. On the last Friday in December next following the election, the directors who shall have been elected at the general district election, shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. The office of the board of directors of any such district may be established by said board of directors at the county seat, or at some proper and convenient place within the district, but after the office is once established it shall not be changed without giving notice thereof by posting in three public places in the district

and by publishing a similar notice for 30 days in some newspaper of general circulation published in the county where such district is organized.

SEC. 15. Section 19 of said act is repealed.

SEC. 16. Section 19 is added to said act, to read:

Sec. 19. Except as otherwise provided in this act, districts governed by this act are subject to the provisions of the Uniform District Election Law.

SEC. 17. Section 19a of said act is repealed.

SEC. 18. Section 19b of said act is repealed.

SEC. 19. Section 20 of said act is repealed.

SEC. 20. Section 21 of said act is repealed.

SEC. 21. Section 22 of said act is repealed.

SEC. 22. Section 23 of said act is repealed.

SEC. 23. Section 24 of said act is repealed.

SEC. 24. Section 72 of said act is amended to read:

Sec. 72. At least 90 days before the next general election of such district, the board of directors thereof shall make an order dividing said district into three or five divisions in the same manner as provided in Section 5 for the original division. The number of directors shall be as the board determines, pursuant to Section 5.

SEC. 25. Section 7 of Chapter 310, Statutes of 1905 is amended to read:

Sec. 7. Within 10 days after the board of supervisors have declared the territory a levee district and recorded the same as provided in Section 5 of this act, the board of supervisors must give notice of an election to be held in the said district, for the election of three eligible persons, who shall be property owners in said district and, who shall constitute when elected and qualified, the board of trustees of the district for the management of the affairs thereof, and who shall hold office for two years next succeeding their election, and until their successors are elected and qualified. The notice calling such election shall not be less than one month, and at such election every qualified elector in said district whose names shall appear on the last preceding assessment roll of the county and having been assessed on property within the boundaries of said district, shall be entitled to vote, and a majority of votes cast at such election shall elect. The board of supervisors must appoint a time and place for holding such election. The notice of such election shall be given by publication for not less than one month, in a newspaper in the county where such district is situated. For the purpose of such election the board of supervisors of the county in which said district is situated must appoint from the qualified electors and property owners of said district, one inspector and two judges of election for such district; but in case the board of supervisors fail to appoint, or the persons appointed, fail to attend at the time and place appointed for such election, the voters present at the time and place of opening the polls may appoint the board or supply

the place of the absent member thereof. Each member of the board of election must before entering upon his duties, be sworn to faithful performance thereof by some officer authorized to administer oaths. The board of election must canvass the votes cast, and issue certificates of election to the persons elected, and must place the ballots when canvassed in an envelope, and forward the same sealed to the clerk of the board of supervisors. Any legally qualified voter may challenge any vote, and the board of election shall determine, by the oath of the parties or otherwise, as they may think proper, whether or not the person challenged is entitled to vote, and in case of challenge, either one of the board of election is hereby authorized to administer oaths. The polls shall be open from 7 a.m. until 7 p.m. In case of vacancy in the board of trustees, the board of supervisors shall by appointment fill such vacancy.

SEC. 26. Section 7.5 is added to said act, to read:

Sec. 7.5. Except as otherwise provided in this act, districts governed by this act are subject to the provisions of the Uniform District Election Law.

SEC. 27. Section 3 of Chapter 63, Statutes of 1880, is amended to read:

Sec. 3. Upon the day appointed for the hearing of said petition the board of supervisors shall consider the same, and should they find that any lands are improperly included in, or excluded from, the proposed district, they shall make, upon satisfactory evidence of such fact, such changes in the proposed boundaries as may by them be deemed just and proper. Should the board of supervisors make any changes in said boundaries, they shall note the same on the petition, and organize or reject the district with the boundaries they have fixed, and their action in that respect shall be conclusive; such action shall be entered in the journal of their proceedings, together with the petition, the names of the signers thereto, and the evidence of publication required by the preceding section. If the board shall grant the petition and order the district to be organized, they shall in such order number the same, and direct an election to be held within the boundaries thereof, and within 20 days from the date of such order, for the election of three trustees of said district, each of whom must be a resident landowner within the district. The trustees elected at the formation election shall meet as soon as practical after taking office and classify themselves by lot into two classes and the terms of office of the class having two trustees shall be two years and the term of office of the class having one trustee shall be four years. Thereafter, the term of office for all trustees shall be four years. Should a vacancy occur in such office, the board of supervisors shall fill the same by appointment. Such appointee shall possess the same qualifications as are required by this act for trustees, and shall hold his office until the next general district election after his appointment, or until his successor is elected and qualified. At the time of

ordering the election for trustees, the board of supervisors shall establish one or more election precincts within the district, designate the house or place within each precinct where the election must be held, and shall appoint one inspector and two judges for said election for each voting precinct, who shall constitute a board of election for each precinct. Notice of such election shall be given by the board of supervisors in a newspaper published in the county; or if there be none published in the county, then in some newspaper having a general circulation in the district, for two weeks before the time of holding the same, which notice must specify the time and places for holding the election, the offices to be filled, and the terms thereof, and the names of the inspectors and judges of election in each precinct. At such election the polls shall open at 7 o'clock a.m., and close at 7 o'clock p.m. No person shall be permitted to vote at such election, or at any election held by the district, unless he is a landowner of the district; and every landowner in the district shall have the right to vote, and each qualified voter shall be entitled to cast one vote for each acre of land, and for each town or city lot, the title to which is shown by the proper records of the county in which the district is situated, to be in him. The boards of election shall deposit all ballots cast in a proper ballot box, and keep a poll list, on which shall be entered the name of each person voting, and the number of votes cast by such person. As soon as the polls are closed, the judges must proceed to canvass the votes given at such election, which canvass must be public. A tally list shall be kept showing the names of the persons voted for and for what office, and the number of votes given for each candidate, which list, when all votes are canvassed, shall be attested by the signatures of the members of the board of election. In making the canvass the tickets or ballots, as soon as read, must be strung upon a string by one of the judges, and when all are counted and said tally list is prepared, said list and ballots shall be carefully sealed in a strong envelope or wrapper, each member of the board writing his name across the seal, and the same shall be delivered by one of the judges to the county clerk. The board of supervisors of the county shall, on the first Monday succeeding such election, if then in session, or if not, at their next general or special session, canvass said returns and declare the result, and the county clerk shall thereupon issue certificates of election to the persons declared to be elected. The members of the board of election shall receive ten dollars ($10) per day for their services, and the expenses of all elections held under this act shall be paid by the district. Every trustee within 10 days after the receipt of his certificate of election shall take and file with the county clerk the usual oath of office.

SEC. 28. Section 3.5 is added to said act, to read:

Sec. 3.5. Except as otherwise provided in this act, districts governed by this act are subject to the provisions of the Uniform District Election Law.

SEC. 29. Section 11 of Chapter 25, Statutes of 1907 is amended to read:

Sec. 11. Such directors shall, on the first Tuesday after their election after they shall have qualified, meet and classify themselves by lot into two classes, as nearly equal in number as possible, and the term of office of the class having the greatest number shall expire on the last Friday in December after the next general district election in this act provided for; and the term of office of the class having the lesser number shall expire on the last Friday in December after the next general district election thereafter. After such classification said directors shall organize as a board, shall elect a president from their number and appoint a secretary, who shall each hold office during the pleasure of the board. The salary of the secretary and the amount of the bond to be given by him for the faithful performance of his duties shall be fixed by the board of directors.

SEC. 30. Section 16 of said act is amended to read:

Sec. 16. In each district organized as herein provided, an election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, at which directors for the district shall be elected to fill the places of those whose terms expire the last Friday in December of that year. Within 10 days after receiving their respective certificates of election, each of said persons shall qualify as such director by taking and subscribing the official oath and filing a bond, as herein provided. Each director shall execute an official bond in the sum of five thousand dollars ($5,000), which shall be approved by the judge of the superior court of the county where the organization of the district was effected, 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 shall be in the form prescribed by law for the official bonds of county officers. If a vacancy shall occur in the office of director, the same shall be filled by appointment by the remaining members of said board of directors. A director so appointed shall qualify within 10 days after receiving notice of his appointment, as in said act provided, as if he were elected to such office, as hereinbefore provided; and he shall hold such office only until the next general district election, and until his successor is elected and qualified.

SEC. 31. Section 16.5 is added to said act, to read:

Sec. 16.5. Except as otherwise provided in this act, districts governed by this act are subject to the provisions of the Uniform District Election Law.

SEC. 32. Section 17 of said act is amended to read:

Sec. 17. On the first Tuesday in January next following the election, the directors who shall have been elected

at the general district election, and those whose terms have not expired shall meet and organize as a board, elect a president and appoint a secretary, who shall each hold office during the pleasure of the board. The full term of office of directors is hereby fixed at four years. The office of the board of directors of any such district may be established by said board of directors at the county seat, of the county where the same was organized, or at some proper and convenient place within the district, but after the office is once established it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice for 30 days in some newspaper of general circulation throughout said district and published in the county where the same is organized.

SEC. 33. Section 18 of said act is repealed.

SEC. 34. Section 19 of said act is repealed.

SEC. 35. Section 20 of said act is repealed.

SEC. 36. Section 21 of said act is repealed.

SEC. 37. Section 22 of said act is repealed.

SEC. 38. Section 23 of said act is repealed.

SEC. 39. Section 5 of Chapter 222, Statutes of 1909, is amended to read:

Sec. 5. Each storm water district shall be under the control of three trustees, to be elected as hereinafter provided, who shall constitute the governing board thereof. Each trustee shall be a freeholder of the district and shall have resided therein at least one year next preceding his election; provided, however, that when unincorporated territory is included with incorporated territory in said district, at least one of said trustees shall be an eligible freeholder of the unincorporated territory, if such there be residing in said district, and shall give bond in such sum as the board of supervisors who formed the district shall fix, which bond shall be approved by a superior judge of said county and filed with the county clerk thereof. Said trustees, except those first elected, shall take office at noon of the last Friday of December next succeeding their election, and shall hold office for the term of two years and until their successors are elected and qualified.

SEC. 40. Section 6 of said act is amended to read:

Sec. 6. Upon the formation of such storm water district the said board of supervisors must call an election therein for the election of three trustees of such district. Notice of said election stating the time, place or places and purpose thereof, and the names of the election officers shall be given by the board by publication in some newspaper of general circulation designated by the board and published in the county, for two weeks before said election. Such election shall, except as herein otherwise provided, be held in conformity to the law for holding special elections, as to matters provided for thereby, and as to other matters in conformity to the general district elections, so far as applicable; but no sample ballots shall be sent out. The election board shall count the

votes as soon as the polls are closed, and forward the returns of the election to said board of supervisors. Said board of supervisors at their next regular meeting thereafter shall canvass said returns, and issue certificates of election to the persons elected. The board of trustees so elected shall meet and organize on the next Monday after their certificates of election are issued to them, and shall hold office until the last Friday in December next succeeding the first regular election of trustees hereinafter provided for after the formation of said district, and until their successors are elected and qualified. On the first Tuesday after the first Monday in November of each odd-numbered year there shall be held an election in said storm water district for the purpose of electing three trustees of said district. Such regular general district election must be conducted pursuant to the Uniform District Election Law. Should a vacancy occur or be found to exist in the office of trustee, the board of supervisors shall fill the same by appointment. Such appointee shall possess the same qualifications as are required by this act for trustees, and shall hold his office until the next biennial election after his appointment, or until his successor is elected and qualified.

SEC. 41. Section 6.5 is added to said act, to read:

Sec. 6.5. Except as otherwise provided in this act, districts governed by this act are subject to the provisions of the Uniform District Election Law.

SEC. 42. This act shall become operative on January 1, 1967.

CHAPTER 17

An act to amend Sections 23511, 23519, 23520, 23522, 23540, 23554, 23557, and 24001 of, to amend and renumber the heading of Part 3 (commencing with Section 24000), as added by Chapter 346, Statutes of 1965, of Division 12 of, to add Sections 23502.5 and 23540.5 to, and to repeal Sections 23544, 23545, 23546, and 24000 of, the Elections Code, to repeal Article 2 (commencing with Section 21285) of, Article 3 (commencing with Section 21310) of, and Article 4 (commencing with Section 21335) of, Chapter 2, Part 3 of, and Article 4 (commencing with Section 21725) of, Chapter 2, Part 4 of, Division 11 of the Water Code, and to amend Sections 9 and 12 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to district elections.

[Approved by Governor April 15, 1966. Filed with Secretary of State April 15, 1966.]

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

SECTION 1. Section 23502.5 is added to the Elections Code, to read:

23502.5. Where the provisions of this part provide that the provisions of the principal act shall govern, and the principal act contains no provisions on the matter, the general election laws of this state shall govern. Where neither the provisions of this part nor the provisions of the principal act apply, the general election laws of this state shall govern.

SEC. 2. Section 23511 of said code is amended to read:

23511. At least 75 days, and not more than 100 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.

SEC. 3. Section 23519 of said code is amended to read:

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 46th day prior to the day fixed for the general district election and a petition signed by 5 percent of the electors in the district, or division if elected by division, 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.

SEC. 3.1. Section 23520 of said code is amended to read:

23520. If, by 5 p.m. on the 46th 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.

SEC. 3 2. Section 23522 of said code is amended to read:

23522. On the 43rd 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.

SEC. 4. Section 23540 of said code is amended to read:

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. He may also mail a sample ballot. 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.

SEC. 4.5. Section 23540.5 is added to said code, to read:

23540.5 Candidates' statements of their qualifications submitted in accordance with Section 10012.5 of this code shall

be filed with the district secretary. The district secretary shall transmit such statements to the county clerk along with the notice required by Section 23521. The county clerk shall cause the voters' pamphlet, if any is required, to be mailed along with the notice required by Section 23540.

SEC. 5. Section 23544 of said code is repealed.

SEC. 6. Section 23545 of said code is repealed.

SEC. 7. Section 23546 of said code is repealed.

SEC. 8. Section 23554 of said code is amended to read:

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.

The governing body shall immediately file with the Secretary of State a statement containing all of the following:

(a) The list of offices to be filled.

(b) The name of each candidate, including occupational designation, if any.

(c) The name of each successful candidate.

(d) The number of voters eligible to vote in the district and if voting is by division, the number of voters eligible to vote in each division.

(e) The number of votes for each candidate.

(f) The list of offices for which appointments have been made in lieu of election pursuant to Section 23520 together with the names of the persons so appointed. The filing required by this section may be consolidated with any other such filing which is required and accomplishes substantially the same purpose.

SEC. 9. Section 23557 of said code is amended to read:

23557. No election other than an election, including special elections and bond elections, 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; provided, however, that a city election held on the same day as a district election pursuant to this part may be consolidated

with such district election. In the event that the election of a chartered city is so consolidated, any inconsistencies between the charter of such city and this part with respect to the conduct of the election shall be controlled by the charter of such city as to precincts within the boundaries of such city, unless the county clerk determines that this provision would prevent consolidation or nullify the purpose of this part, in which case such election shall not be consolidated.

SEC. 10. The heading of Part 3 (commencing with Section 24000), as added by Chapter 346, Statutes of 1965, of Division 12 of said code is amended and renumbered to read:

PART 4. OTHER DISTRICT ELECTIONS

SEC. 11. Section 24000 of said code is repealed.

SEC. 12. Section 24001 of said code is amended to read:

24001. It is the purpose of this part to set a mandatory procedure for a district election at which members of the governing board of the district are to be selected.

SEC. 13. Article 2 (commencing with Section 21285), Chapter 2, Part 3, Division 11 of the Water Code is repealed.

SEC. 14. Article 3 (commencing with Section 21310), Chapter 2, Part 3, Division 11 of said code is repealed.

SEC. 15. Article 4 (commencing with Section 21335), Chapter 2, Part 3, Division 11 of said code is repealed.

SEC. 16. Article 4 (commencing with Section 21725), Chapter 2, Part 4, Division 11 of said code is repealed.

SEC. 17. 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 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. Executors, 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 precinct clerk or judge 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, the county clerk 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. 18. Section 12 of said act is amended to read:

Sec. 12. 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 the Uniform District Election Law.

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. 19. The provisions of this act, other than Sections 10, 11, and 12 shall not become operative until January 1, 1967.

CHAPTER 18

An act to amend Section 9 of, and to add Section 9.6 to, the Metropolitan Water District Act (Chapter 429, Statutes of 1927), relating to annexation of territory.

[Approved by Governor April 15, 1966. Filed with Secretary of State April 15, 1966.]

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

SECTION 1. Section 9 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927) is amended to read:

Sec. 9. (a) Notwithstanding the limitations contained in paragraph (b) of Section 2 of this act, for the purposes of this Section 9 and of Sections 9.1 and 9.2 of this act, the following definitions shall apply to the terms used therein: The terms "municipal water district," "municipal utility district," "public utility district," "county water district," and "county water authority," shall have the meanings respectively ascribed to said terms as set forth in paragraph (a) of said Section 2; the term "city" shall mean any city, and any city and county, of the State of California, whether organized under a freeholders' charter or under the provisions of general laws, but shall not have any of the other meanings ascribed to said term as set forth in said paragraph (a) of said Section 2; and the terms "municipal corporation" and "municipal-

ity" shall mean any municipal water district, any municipal utility district, any public utility district, any county water district, and any county water authority, but shall not mean any city or any city and county.

(b) Territory may be annexed to any metropolitan water district organized hereunder by one of the following methods.

(1) By annexation to, or consolidation with, the area of any city, the area of which, as a separate unit, shall have become a part of any metropolitan water district organized hereunder, such annexation or consolidation to occur upon compliance with the provisions of law governing such annexation to, or consolidation with, the area of such city. Upon completion of such annexation to, or consolidation with, such city in compliance with the provisions of law applicable thereto, such territory shall become, and be, a part of such metropolitan water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said metropolitan water district, including the payment of bonds and other obligations of such district at the time authorized or outstanding.

(2) By annexation to, or consolidation with, any city which, as a separate unit, shall have become a part of any municipality, the area of which municipality, as a separate unit, shall have become a part of any metropolitan water district organized hereunder, in instances where, under the applicable provisions of law governing the change of boundaries of such municipality, such annexation or consolidation automatically will result in the enlargement of the area of such municipality, such annexation or consolidation to occur upon compliance with the provisions of law governing such annexation to, or consolidation with, the area of such city. Upon completion of such annexation to, or consolidation with, such city in compliance with the provisions of law applicable thereto, such territory shall become, and be, a part of such municipality and of such metropolitan water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said municipality and of said metropolitan water district, including the payment of bonds and other obligations of such municipality and of such metropolitan water district at the time authorized or outstanding. If any such territory shall have been so annexed to, or consolidated with, any such city prior to the effective date of this subparagraph (2), under conditions which would have resulted in the enlargement of the area of such metropolitan water district had the foregoing provisions of this subparagraph (2) then been in effect, upon compliance with the following provisions of this subparagraph (2), such territory shall be annexed to, and shall become and be a part of, such metropolitan water district, and shall be a part of such municipality for all purposes, the last-mentioned provisions being as follows:

(aa) The governing body of such city, at any time after the effective date of this subparagraph (2), may adopt an ordi-

nance which, after reciting that such territory has been annexed to, or consolidated with, such city by proceedings theretofore taken under statutory authority, and after referring to the applicable statutes and to the date and place of filing of the certificate or certificates evidencing such annexation or consolidation, shall describe such territory and shall determine and declare that the said territory shall be, and thereby is, annexed to such metropolitan water district, and said ordinance shall further determine and declare that the said territory shall become and be, and thereby is, a part of such metropolitan water district, and shall be, and thereby is, a part of such municipality for all purposes.

(bb) The governing body, or clerk thereof, of such city shall file a certified copy of such ordinance with the Secretary of State of the State of California. Upon the filing of said certified copy of such ordinance in the office of the Secretary of State, such territory shall become, and be, a part of such metropolitan water district, and shall be a part of such municipality for all purposes, and the taxable property therein shall be subject to taxation thereafter for the purposes of said metropolitan water district and of said municipality, including the payment of bonds and other obligations of such metropolitan water district and of such municipality at the time authorized or outstanding.

(cc) Upon the filing in his office of the aforesaid certified copy of such ordinance, the Secretary of State shall, within 10 days, issue his certificate, describing such territory, reciting the filing of said certified copy of such ordinance in his office and the annexation of said territory to such metropolitan water district, and declaring that the said territory is a part of said metropolitan water district and of such municipality. The Secretary of State shall transmit the original of his said certificate to the secretary of such metropolitan water district and a duplicate original of his said certificate to the clerk of the governing body of such municipality, and shall forward a certified copy of his said certificate to the county clerk of each county in which is situated such metropolitan water district or any part thereof.

(3) Upon terms and conditions fixed by the board of directors of such metropolitan water district and in the manner provided in paragraph (c) hereof, by direct annexation, as a separate unit, of the corporate area of any municipality or city.

(4) Upon terms and conditions fixed by the board of directors of such metropolitan water district and in the manner provided in paragraph (d) hereof, by annexation to, or consolidation with, any municipality, the area of which, in whole or in part, is included within such metropolitan water district as a separate unit; provided, that unless such territory shall be so annexed to such metropolitan water district with the consent of such board of directors, the annexation of such territory to, or the consolidation of such territory with, any such municipality shall not authorize or entitle such municipality

or such territory to demand or receive any water from such metropolitan water district for use in such territory; and provided further, that, except where automatic annexation results under the conditions mentioned in subparagraph (2) of this paragraph (b), nothing in this act shall prevent the annexation of territory to, or the consolidation of territory with, any such municipality for its local purposes only and without annexing such territory to such metropolitan water district, and such local annexation or consolidation may occur without requesting or obtaining the consent thereto of the board of directors of such metropolitan water district.

(c) The governing body of any municipality or city may apply to the board of directors of such metropolitan water district for consent to annex the corporate area of such municipality or city to the metropolitan water district. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which the corporate area of such municipality or city may be annexed to and become a part of the metropolitan water district. Such terms and conditions may provide, among other things, for the levy by such metropolitan water district of special taxes upon taxable property within such municipality or city in addition to the taxes elsewhere in this act authorized to be levied by such metropolitan water district. The action of the board of directors evidenced by resolution shall be promptly transmitted to the governing body of such applying municipality or city, and if such action shall grant consent to such annexation, such governing body may thereupon submit to the qualified electors of such municipality or city, at any general or special election held therein, the proposition of such annexation subject to the terms and conditions fixed as herein provided. Notice of such election shall be given by posting or publication; when given by posting such notice shall be posted at least 10 days and in three public places in the municipality or city; when given by publication such notice shall be published once at least 10 days before the date fixed for the election in a newspaper of general circulation published in the municipality or city. Such notice shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for elections in such municipality or city. If such proposition shall receive the affirmative vote of a majority of electors of such municipality or city voting thereon at such election, the governing body of such municipality or city shall certify the result of such election on said proposition to the board of directors of said district, together with a legal description of the boundaries of the corporate area of such municipality or city, accompanied by a map or plat indicating such boundaries. A certificate of proceedings hereunder shall be made by the secretary of the district and filed with the Secretary of State.

Upon the filing thereof in the office of the Secretary of State, the corporate area of such municipality or city shall become, and be, an integral part of such metropolitan water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said metropolitan water district, including the payment of bonds and other obligations of such district at the time authorized or outstanding, and the board of directors of such metropolitan water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized. Upon the filing in his office of the aforesaid certificate of proceedings the Secretary of State shall, within 10 days, issue his certificate, reciting the filing of said papers in his office and the annexation of the corporate area of such municipality or city to such metropolitan water district. The Secretary of State shall transmit the original of his said certificate to the secretary of such metropolitan water district and shall forward a certified copy thereof to the county clerk of each county in which is situated such metropolitan water district or any portion thereof.

(d) The governing body of any municipality, the area of which, in whole or in part, is included within such metropolitan water district as a separate unit, may apply to the board of directors of such metropolitan water district for consent to annex to such metropolitan water district territory which it is sought to annex to, or consolidate with, such municipality, or territory which, without making the same a part of such metropolitan water district, already has been annexed to, or consolidated with, such municipality. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions upon which such territory may be annexed to, and become a part of, the metropolitan water district. Such terms and conditions may provide, among other things, for the levy by such metropolitan water district of special taxes upon taxable property within such territory in addition to the taxes elsewhere in this act authorized to be levied by such metropolitan water district. The action of the board of directors evidenced by resolution shall be promptly transmitted to the governing body of such applying municipality, and if such action shall grant consent to such annexation, such territory may be annexed to such metropolitan water district as provided in subparagraph (1) or in subparagraph (2) hereof. Unless the board of directors of such metropolitan water district shall grant such consent, such territory cannot be annexed to, or consolidated with, such metropolitan water district.

(1) If such territory has not theretofore been annexed to, or consolidated with, such municipality, upon completion of such annexation to, or consolidation with, such municipality in compliance with the provisions of law applicable thereto, including this Section 9, such territory shall become, and be, a

part of such metropolitan water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said metropolitan water district, including the payment of bonds and other obligations of such district at the time authorized or outstanding, and the board of directors of such metropolitan water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized; provided, that if the applicable provisions of law governing such annexation to, or consolidation with, such municipality shall require any notice of any election called for the purpose of determining whether such proposed annexation or consolidation shall occur, or shall require any notice of hearing or other notice to be given to the residents or electors of, or owners of property in, such territory, such notice shall contain the substance of the terms and conditions of annexation to such metropolitan water district fixed by the board of directors of such district as herein provided; and provided further, that the governing body of such municipality or other officer thereof having the duty of certifying the proceedings resulting in such annexation to, or consolidation with, such municipality, pursuant to the provisions of law applicable thereto, shall include in such certification a record of the proceedings by which such territory has been annexed to such metropolitan water district in accordance with the provisions hereof, and shall file a duplicate of such certificate with the board of directors of such metropolitan water district.

(2) If the territory sought to be annexed to such metropolitan water district theretofore has been annexed to, or consolidated with, such municipality, the governing body of such municipality, upon being advised of the action of the board of directors of such metropolitan water district, as above provided, and if such action shall grant consent to such annexation, may submit to the qualified electors of such territory, at any general or special election held therein, the proposition of such annexation to such metropolitan water district subject to the terms and conditions fixed by the board of directors of such metropolitan water district, as herein provided. Notice of such election shall be given by posting or publication; when given by posting such notice shall be posted at least 10 days and in three public places in such territory; when given by publication such notice shall be published once at least 10 days before the date fixed for the election in a newspaper of general circulation published in such municipality. Such notice shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. Such election shall be conducted and the returns thereof canvassed by the governing body of such municipality in the manner provided by law for elections in such municipality. If such proposition shall receive the affirmative vote of a majority of electors of such territory voting thereon at such election, the

governing body of such municipality shall certify the result of such election on said proposition to the board of directors of said district. A certificate of proceedings hereunder shall be made by the secretary of the district and filed with the Secretary of State. Upon the filing thereof in the office of the Secretary of State, such territory shall become, and be, a part of such metropolitan water district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said metropolitan water district, including the payment of bonds and other obligations of such district at the time authorized or outstanding, and the board of directors of such metropolitan water district shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation of such territory to such metropolitan water district fixed by said board of directors as hereinabove authorized. Upon the filing in his office of the aforesaid certificate of proceedings the Secretary of State shall, within 10 days, issue his certificate, reciting the filing of said papers in his office and the annexation of such territory to such metropolitan water district. The Secretary of State shall transmit the original of his said certificate to the secretary of such metropolitan water district and shall forward a certified copy thereof to the county clerk of each county in which is situated such metropolitan water district or any portion thereof.

(e) The validity of any proceedings for the annexation to any district organized hereunder, of the corporate area of a municipality or city as a separate unit, or of territory annexed to, or consolidated with, a city under the conditions mentioned in subparagraph (1) or subparagraph (2) of paragraph (b) of this Section 9, or of territory annexed to, or consolidated with, a municipality which, as a unit, shall have been included within such district, shall not be contested in any action unless such action shall have been brought within three months after the completion of such annexation, or, in case such annexation is completed prior to the time that this paragraph takes effect, then within three months after this paragraph shall have become effective.

SEC. 2. Section 9.6 is added to said act, to read:

Sec. 9.6. The board of directors of a district, with respect to an area annexed to a district pursuant to Section 9 of this act, may modify the method of raising an amount previously fixed by said board to be collected by special tax levies as a condition or term of annexation, in any manner which would result in a cash payment or a series of annual levies either of which would have a present value equal to the present value of the amounts remaining to be levied in such area according to terms previously specified by the board. Such present values shall be as determined by the board as of the date such modification is approved by the board. Such modification must be approved by a majority of the voters voting on such proposition at an election called within such area if 12 or more voters

reside therein, or, if less than 12 voters reside therein, upon written approval duly filed with the district's secretary signed by owners of more than one-half of the value of the taxable property within such area as shown on the last equalized assessment roll. Such election shall be conducted by the unit municipality of which such area is a part.

CHAPTER 19

An act to add Section 54929.1 to the Government Code, relating to annexation proceedings, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1966. Filed with Secretary of State April 15, 1966]

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

SECTION 1. Section 54929.1 is added to the Government Code, to read:

54929.1. Notwithstanding any other provision of this article, any annexation by a city with respect to which the ordinance or resolution approving annexation was filed with the Secretary of State after August 1, 1965 and before December 1, 1965 and the statement and map or plat prescribed by Sections 54900 and 54901 were filed with the State Board of Equalization prior to January 1, 1966, if it otherwise qualifies shall be effective for assessment and taxation purposes in 1966 and thereafter if the statement and map or plat are filed with the county assessor of the county in which the city is located on or before April 1, 1966, rather than January 1, 1966, as required by Section 54902.

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

Two cities which have completed annexations between August 1 and December 1, 1965, will be expected to furnish law enforcement and other services to the annexed areas, and if such cities are unable to collect taxes from the annexed areas for the year 1966, the furnishing of such services will be impeded and undue hardship will be imposed, and therefore it is necessary that this act take effect immediately.

CHAPTER 20

An act to amend Section 22604 of the Education Code, relating to the California State Colleges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1966. Filed with Secretary of State April 18, 1966.]

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

SECTION 1. Section 22604 of the Education Code is amended to read:

22604. The Trustees of the California State Colleges shall succeed to the powers, duties and functions with respect to the management, administration and control of the state colleges heretofore vested in the State Board of Education or in the Director of Education, including all powers, duties, obligations, and functions specified in Article 2 (commencing at Section 24501) of Chapter 11 of Division 18 of this code, and all obligations assumed by the State Board of Education pursuant to that article prior to July 1, 1961.

On and after July 1, 1961, the Trustees of the California State Colleges shall have full power and responsibility in the construction and development of any state college campus, and any buildings or other facilities or improvements connected with the California State Colleges. Such powers shall be exercised by the Trustees of the California State Colleges notwithstanding the provisions of Chapter 2 (commencing at Section 14100) and Chapter 3 (commencing at Section 14250) of Part 5 of Division 3 of Title 2 of the Government Code, except that the powers shall be carried out pursuant to the procedures prescribed by these laws.

The provisions of this chapter relating to the transfer of the powers, duties, and functions with respect to the management, administration and control of the state colleges shall become operative on July 1, 1961.

The Trustees of the California State Colleges may accept gifts of land, or gifts of options on land, may accept and expend gifts of money for the purchase of land or options on land and may enter into negotiations and contracts for the purchase of land for a future state college site in the vicinity of any of the areas specified in the recommendations contained in the Master Plan for Higher Education printed on page 42, paragraph 5, Senate Journal (Regular Session) for February 1, 1960, except that such gifts, expenditures, negotiations, and contracts shall not obligate the expenditure of any state funds for the purchase of such land or for development on such land, unless the Legislature shall subsequently approve the obligation by appropriating the funds for that specific purpose.

Any such acceptance or acceptance and expenditure or negotiations and contract may be conditioned upon an automatic

reversion back to the donor or automatic termination of the negotiations and contract if a new state college is not established at a specific site prior to a specific date designated by the trustees and the donor or the trustees and the person or corporation with whom the trustees are negotiating or contracting.

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

In order to curtail any further lapse in the power of the Trustees of the California State Colleges to accept gifts directed toward the ultimate acquisition of state college sites, it is necessary that this act take effect immediately.

CHAPTER 21

An act to amend Sections 241, 243, and 245 of, and to add Sections 148.2 and 245.1 to, the Penal Code, and to repeal Section 13006 of the Health and Safety Code, relating to offenses against firemen, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1966. Filed with Secretary of State April 18, 1966.]

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

SECTION 1. Section 148.2 is added to the Penal Code, to read:

148.2. Every person who willfully commits any of the following acts at the burning of a building or at any other time and place where any fireman or firemen are discharging or attempting to discharge an official duty, is guilty of a misdemeanor:

1. Resists or interferes with the lawful efforts of any fireman or firemen in the discharge or attempt to discharge an official duty.

2. Disobeys the lawful orders of any fireman or public officer.

3. Engages in any disorderly conduct which delays or prevents a fire from being timely extinguished.

4. Forbids or prevents others from assisting in extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, from assisting in extinguishing a fire.

SEC. 2. Section 241 of said code is amended to read:

241. An assault is punishable by fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both. When it is com-

mitted against the person of a peace officer or fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, the offense shall be punished by imprisonment in the state prison not exceeding two years.

As used in this section, "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. 3. Section 243 of said 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 or fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman 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 section, "peace officer" refers to any person designated as a peace officer in the first paragraph of Section 817, as well as any inspector or investigator regularly employed as such in the office of a district attorney, any member of the California Highway Patrol, any member of the California State Police, any policeman of the San Francisco Port Authority, each member of an arson investigating unit of an organized fire department, and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

SEC. 4. Section 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 or fireman, and who knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, when such peace officer or fireman is engaged in the performance of his duties shall be punished by imprisonment in the state prison not exceeding 15 years; provided, that if such person has previously been convicted of a felony under the laws of this state or has previously been convicted of an offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a felony, he shall be punished by imprisonment in the state prison for five years to life.

As used in this subdivision, "peace officer" refers to any person designated as a peace officer in the first paragraph of Section 817, as well as any inspector or investigator regularly employed as such in the office of a district attorney, any member of the California Highway Patrol, any member of the California State Police, any policeman of the San Francisco Port Authority, each member of an arson investigating unit of an organized fire department, and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

SEC. 5. Section 13006 of the Health and Safety Code is repealed.

SEC. 6. Section 245.1 is added to the Penal Code, to read:

245.1. As used in Sections 148.2, 241, 243 and 245, "fireman" includes any person who is an officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, whether such person is a volunteer or partly paid or fully paid, while he is actually engaged in firefighting, fire supervision, fire suppression, fire prevention or fire investigation.

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:

Recent events have demonstrated that the present laws respecting interference with firemen engaged in the performance of their duties have not been a sufficient deterrent to such interference. In view of the ever-present possibility of a recurrence of those events it is necessary that this act go into immediate effect as an urgency measure.

CHAPTER 22

An act relating to the validation of school district organization proceedings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1966. Filed with Secretary of State April 18, 1966.]

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

SECTION 1. Notwithstanding any provisions of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code to the contrary, any junior college district formed pursuant to Article 3.5 (commencing with Section 25450) of Chapter 2 of Division 18.5 of the Education Code, where the final actions necessary to the formation of the district under Sections 1701 and 25450.25 of the Education Code were taken prior to April 30, 1965, and the district is to become effective for all purposes under Section 1704 of the Education Code on July 1, 1966, shall be effective for assessment and taxation purposes if its initial statement and map or plat are filed prior to March 1, 1966, rather than January 1, 1966, as required in Section 54902 of the Government 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:

One or more junior college districts which were formed in the early months of 1965 to become effective for all purposes commencing on July 1, 1966, will be unable to have levied and collected the district tax revenues necessary for operations for the forthcoming fiscal year because of the delay in filing documents necessary for tax purposes. In order to ensure that the relief provided by this act from those circumstances will be available for such districts by July 1, 1966, it is essential that its provisions take effect immediately.

CHAPTER 23

An act to amend and renumber Section 73975 of, and to add Sections 73975, 73976, 73977 and 73978 to, the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1966. Filed with Secretary of State April 18, 1966.]

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

SECTION 1. Section 73975 of the Government Code is amended and renumbered to read:

73979. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of San Bernardino, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 (commencing with Section 72150) of Chapter 8 of this title, may be paid any compensation, which is within the ranges and increments set forth in this article, in excess of or less than the maximum to which such employee would otherwise be entitled; provided, that any such salary adjustment shall not extend longer than ninety (90) days after the adjournment of the next general session of the Legislature.

SEC. 2. Section 73975 is added to said code, to read:

73975. Official reporters in the Municipal Court of the Ontario Judicial District appointed pursuant to Section 72194 shall be attachés of such court and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court of the County of San Bernardino, which shall be a charge against the general fund of the county.

SEC. 3. Section 73976 is added to said code, to read:

73976. In any civil action or proceedings, in order to help defray the costs of reporting services, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of this title, a fee of five dollars ($5) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceedings, in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff.

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding. The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 (commencing with Section 72050) of Chapter 8 of this title.

SEC. 4. Section 73977 is added to said code, to read:

73977. Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

SEC. 5. Section 73978 is added to said code, to read:

73978. Official reporters of the court shall be members of any retirement system maintained by the county in which they are employed. For the purposes of such retirement system, the salary provided for such reporters in this article shall be deemed their entire compensation.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to maintain the functioning of the courts and continue the administration of justice in an orderly fashion in San Bernardino County, it is necessary to adjust certain imbalances in the compensation and fees paid to court reporters and therefore it is necessary that this act take effect immediately.

CHAPTER 24

An act to provide a method for computing the maximum amount of school district bonded indebtedness permitted under law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 16, 1966. Filed with Secretary of State April 18, 1966.]

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

SECTION 1. Notwithstanding Section 21702 of the Education Code, for purposes of Chapter 7 (commencing with Section 21701) of Divison 16 of the Education Code, the total

amount of bonds issued shall not exceed 5 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located without modification pursuant to Section 21702 of the Education Code

This section shall apply only to a district if it meets all of the following conditions:

(1) The district is located in a county or counties for which the factor computed pursuant to Section 17261 of the Education Code for the 1965–1966 fiscal year was .93 or less.

(2) The district is not participating in the state school building aid program for the fiscal years 1965–1966, and 1966–1967.

(3) The governing board of the district by resolution specifies that this act shall be applicable to the district.

SEC. 2. This act shall be operative until July 1, 1967, after which it shall have no force or effect.

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

There are several school districts which are in immediate need of capital outlay funds, but are unable to issue bonds under present provisions of law which restrict the issuance of bonds beyond a maximum amount. This act will permit the school districts involved to issue additional bonds beyond the present statutory maximum amount. In order that such schools may obtain capital outlay funds as soon as possible to meet the educational needs of their students, it is necessary that this act go into immediate effect.

CHAPTER 25

An act to add Section 74343.7 to the Government Code, relating to legal notices of consolidated judicial districts.

[Approved by Governor April 16, 1966. Filed with Secretary of State April 18, 1966.]

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

SECTION 1. Section 74343.7 is added to the Government Code, to read:

74343.7. Notwithstanding any other provision of law, in the event that the Board of Supervisors of the County of San Diego consolidates or has consolidated all or a substantial part of the South Bay Judicial District with the San Diego Judicial District, official advertising, notices, resolutions, orders, or other matters required by law to be published with respect

to matters in the courts of the South Bay branch, if any, of the consolidated court, shall, if possible, be published in newspapers within the geographical boundaries of the former South Bay Judicial District.

CHAPTER 26

An act to add Chapter 15.7 (commencing with Section 19931) to Division 14 of the Education Code, to provide for the preparation, issuance and sale of state bonds to create a fund to provide aid to school districts of the state; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest of such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures; appropriating money for the purpose of carrying out this chapter; and providing for the submission of the measure to the people at a special election to be consolidated with the 1966 direct primary election.

[Approved by Governor April 20, 1966 Filed with Secretary of State April 21, 1966]

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

SECTION 1. Chapter 15.7 (commencing with Section 19931) is added to Division 14 of the Education Code, to read:

CHAPTER 15.7. STATE SCHOOL BUILDING AID BOND LAW OF 1966

19931 This act may be cited as the State School Building Aid Bond Law of 1966.

19932. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter. All references in this chapter to "herein" shall be deemed to refer both to this chapter and such law.

19933. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means State School Building Finance Committee, created by Section 19510.

(b) "Board" means State Allocation Board.

(c) "Fund" means State School Building Aid Fund.

19934. The committee is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of two hundred seventy-five million dollars ($275,000,000), in the manner provided in

this chapter, but not in excess thereof. Such debt or debts, liability or liabilities, shall be created for the purpose of providing a fund to be used, pursuant to statutes enacted or to be enacted by the Legislature, to aid school districts and county superintendents of schools in acquiring land, and in acquiring, by lease, purchase, or by any other appropriate means authorized by law, and in constructing buildings, equipment, and facilities, to be used for public school purposes. Such aid may be provided, pursuant to such statutes, in the form of grants or loans of money to school districts and county superintendents of schools, or by the acquisition of buildings, facilities, and equipment by the state with subsequent sale, lease, grant, or other conveyance to school districts and county superintendents of schools, or by any combination thereof.

19935. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, all of the money in the fund, not in excess of the principal of and interest on the said bonds then due and payable, except as herein provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity is less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the fund as soon thereafter as it shall become available.

19936. All money deposited in the fund under Section 19611 of this code, pursuant to any other provision of law requiring repayments to the state for assistance financed by the proceeds of the bonds authorized by this chapter, and pursuant to the provision of Part 2 (commencing with Section 16300), of Division 4, Title 2, of the Government Code, shall be available only for transfer to the General Fund, as provided in Section 19935. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

19937. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 19938, which sum is appropriated without regard to fiscal years.

19938. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund to be allocated by the board in accordance with this chapter. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

19939. Upon request of the board, supported by a statement of the apportionments made and to be made under Chapter 10 (commencing with Section 19551) of Division 14, or under any other provisions of law authorizing assistance to be provided for public school purposes from the proceeds of bonds authorized by this chapter, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. A sufficient number of bonds authorized under this chapter shall be issued and sold so that twelve million dollars ($12,000,000) will become available for apportionment on July 5, 1966, and a like amount on the fifth day of each month thereafter until a total of two hundred seventy-five million dollars ($275,000,000) has become available for apportionment. However, if the board determines that an additional three million dollars ($3,000,000) is necessary, a sufficient number of bonds authorized under this chapter shall be issued and sold so that fifteen million dollars ($15,000,000), rather than twelve million dollars ($12,000,000), will become available for apportionment on the fifth day of any month after July, 1966. Successive issues of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

19940. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates

of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day year basis.

19941. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

19942. All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the General Fund pursuant to Section 19935 to pay principal and interest on bonds.

19943. With respect to the proceeds of bonds authorized by this chapter, all the provisions of Chapter 10 (commencing with Section 19551) of Division 14 shall apply except:

(a) Any reference in Chapter 10 (commencing with Section 19551) of Division 14 to "Section 16.5, Article XVI of the Constitution of this State" shall be deemed a reference to this chapter.

(b) Any reference in Chapter 10 (commencing with Section 19551) of Division 14 to "Section 19704" shall be deemed a reference to "Section 19935."

19944. Out of the first money realized from the sale of bonds under this act, there shall be repaid any moneys advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act.

19945. Notwithstanding any provisions in this chapter to the contrary, of the moneys made available by this chapter the sum of thirty-five million dollars ($35,000,000) shall be available, upon application of school districts, for any of the purposes following, or any combination thereof:

(a) Acquisition and installation of portable classrooms.

(b) Acquisition of land for school sites.

(c) Construction of permanent school buildings and facilities.

(d) Reconstruction, renovation and remodeling of existing school buildings and facilities.

The funds set aside pursuant to this section may be expended only for the improvement of the education of minors, and only when legislation is enacted to authorize the expenditure of these funds for the improvement of the education of minors. These funds shall be made available to eligible school districts when the fiscal and other requirements prescribed by statutes enacted or to be enacted for this purpose are complied with.

SEC. 2 Section 1 of this act shall take effect upon the adoption by the people of the State School Building Aid Bond Law of 1966, as set forth in Section 1 of this act. Sections 2 to 9 of this act contain provisions relating to and necessary for the submission of the State School Building Aid Bond

Law of 1966 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the seventh day of June, 1966. The special election shall be consolidated with the direct primary election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, compiled and distributed relating to the State School Building Aid Bond Law of 1966, set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks not later than 30 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than five days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

SEC. 5. Upon the effective date of this section, the author of the measure submitted pursuant to this act and two members of the other house who voted with the majority on the measure, shall be appointed by the presiding officers of the respective houses to draft the arguments for the adoption of the measure. If the measure is not adopted unanimously by the house in which it originated, one member of the house in which it originated, who voted against it, shall be appointed by the presiding officer of that house to write an argument against it. If there are no negative votes on the measure in the house in which it originated, the presiding officer of that house shall appoint some qualified person to draft an argument against it. Each argument shall consist of not more than 500 words and shall be submitted to the Secretary of State on or before the fifth day after this section takes effect.

SEC. 6. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

SEC. 7. All ballots at said election shall have printed thereon and in a square thereof, the words: "For the State School Building Aid Bond Law of 1966," and in the same square under said words the following in eight-point type: "This act provides for a bond issue of two hundred seventy-five million dollars ($275,000,000) to provide capital outlay for construction or improvement of public schools." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the State School Building Aid Bond Law of 1966," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of two hundred seventy-five million dollars ($275,000,000) to provide capital outlay for construction or improvement of public schools." Opposite the words "For the State School Building Aid Bond Law of 1966," and "Against the State School Building Aid Bond Law of 1966," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the State School Building Aid Bond Law of 1966," and those voting against the said act shall do so by placing a cross opposite the words "Against the State School Building Aid Bond Law of 1966." Provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 8. The votes cast for or against the State School Building Aid Bond Law of 1966 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC 9 Upon the effective date of this section the Secretary of State shall request the Attorney General to prepare a ballot title and the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code The title and analysis shall be filed with the Secretary of State within five days after the effective date of this act. The measure submitted pursuant to this act shall be designated on the ballots by its ballot title.

CHAPTER 27

An act to add Sections 12.1 and 12.2 to Chapter 138, Statutes 1964, First Extraordinary Session, and to amend Sections 11912 and 11913 of, and to add Sections 11915 and 11915.1 to, the Water Code, relating to water projects, and making an appropriation.

[Approved by Governor April 22, 1966. Filed with Secretary of State April 25, 1966.]

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

SECTION 1. Section 12.1 is added to Chapter 138, Statutes of 1964, First Extraordinary Session, to read:

Sec. 12.1. Five million dollars ($5,000,000) of the oil revenue and dry gas revenue payable to the State of California under this act each year shall be deposited in the Central Valley Water Project Construction Fund, after the amount provided for in Section 12 is deposited in the California Water Fund.

SEC. 1.5. Section 12.2 is added to Chapter 138, Statutes of 1964, First Extraordinary Session, to read:

12.2. During the fiscal years 1966–67, 1967–68, 1968–69, 1969–70 and 1970–71, two million dollars ($2,000,000) of the oil revenue and dry gas revenue payable to the State of California under this act each year shall be deposited in the State Water Pollution Control Fund, after the amount provided for in Section 12 is deposited in the California Water Fund and the amount provided for in Section 12.1 is deposited in the Central Valley Water Project Construction Fund, and shall be available for expenditure, when appropriated by the Legislature, for capital outlay expenditures for works to prevent and correct water pollution.

SEC. 2. Section 11912 of the Water Code is amended to read:

11912. The department, in fixing and establishing prices, rates, and charges for water and power, shall include as a reimbursable cost of any state water project an amount sufficient to repay all costs incurred by the department, directly or by contract with other agencies, for the preservation of fish and wildlife and determined to be allocable to the costs of the project works constructed for the development of such water and power, or either. Costs incurred for the enhancement of fish and wildlife or for the development of public recreation shall not be included in the prices, rates, and charges for water and power, and shall be nonreimbursable costs.

It shall be the duty of the department to report annually to the Legislature the costs, if any, which the department has allocated to recreation and fish and wildlife enhancement for each facility of any state water project. The department shall also report to the Legislature any revisions which the department makes in such allocations.

The department shall submit each such cost allocation to the Department of Parks and Recreation and to the Department of Fish and Game. The Department of Parks and Recreation and the Department of Fish and Game shall file with the Department of Water Resources their written comments with respect to each such cost allocation, which written comments shall be included in the report required by this section.

The allocations or revised allocations reported to the Legislature shall become effective for the purposes of Section 11915 upon approval by the Legislature.

It shall also be the duty of the department to report to the Legislature on any expenditure of funds for acquiring rights-of-way, easements and property pursuant to Section 346 for recreation development associated with such facilities. For the purposes of Section 11915 such expenditures shall become approved in the same manner as provided above with respect to cost allocations.

SEC. 3. Section 11913 of said code is amended to read:

11913. The Legislature hereby declares its intent that, except as funds are provided pursuant to Section 11915, there shall be included in the budget for the department for the 1962–1963 fiscal year and each succeeding fiscal year, and in the Budget Act for that fiscal year and each succeeding fiscal year, an appropriation from the General Fund of the funds necessary for enhancement of fish and wildlife and for recreation in connection with state water projects as provided in this chapter.

SEC. 4. Section 11915 is added to said code, to read:

11915. All moneys deposited in the Central Valley Water Project Construction Fund pursuant to the provisions of Chapter 138, Statutes of 1964, First Extraordinary Session, and all accruals to such moneys so deposited, are hereby appropriated to the department for expenditure by the department without regard to fiscal years for the purposes of the construction fund, in amounts equal to allocations to recreation and fish and wildlife enhancement and to the costs of acquiring rights-of-way, easements and property for recreation development which have become effective pursuant to Section 11912.

SEC. 5. Section 11915.1 is added to said code, to read:

11915.1. The provisions of this chapter shall not limit the department in the financing and construction of any of the facilities of the State Water Resources Development System pursuant to the provisions of Chapter 8 (commencing with Section 12930) of Part 6, nor shall they constitute a limitation on or modification of the responsibility of the department to make allocations of costs provided for in water supply contracts executed pursuant thereto.

SEC. 6. Section 1.5 of this act shall not become operative if Senate Bill No. 2 of the 1966 First Extraordinary Session is enacted by the Legislature and becomes effective.

CHAPTER 28

An act to amend Section 1626 of the Business and Professions Code, relating to the practice of dentistry.

[Approved by Governor April 25, 1966. Filed with Secretary of State April 25, 1966.]

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

SECTION 1. Section 1626 of the Business and Professions Code is amended to read:

1626. The following practices, acts and operations, however, are exempt from the operation of this chapter:

(a) The practice of oral surgery by a physician and surgeon licensed under the Medical Practice Act.

(b) The operations by bona fide students of dentistry or dental hygiene in the clinical departments or the laboratory of a reputable dental college approved by the Board of Dental Examiners

(c) The practice of dentistry by licensed dentists of other states or countries while appearing and operating as bona fide clinicians or instructors in dental colleges approved by the Board of Dental Examiners.

(d) The practice of dentistry by licensed dentists of other states or countries in conducting or making a clinical demonstration before any bona fide dental or medical society, association or convention; provided, however, the consent of the Board of Dental Examiners to the making and conducting of such clinical demonstration must be first had and obtained.

(e) The construction, making, alteration or repairing of bridges, crowns, dentures, or other prosthetic appliances, or orthodontic appliances, when the casts or impressions for this work have been made or taken by a licensed dentist, but a written authorization signed by a licensed dentist shall accompany the order for the work or it shall be performed in the office of a licensed dentist under his supervision. The burden of proving written authorization or direct supervision is upon the person charged with the violation of this chapter.

It is unlawful for any person acting under the exemption of this subdivision (e) to represent or hold out to the public in any manner that he will perform or render any of the services exempted by this subdivision that are rendered or performed under the provisions of this chapter by a licensed dentist, including the construction, making, alteration or repairing of dental prosthetic or orthodontic appliances.

(f) The manufacture or sale of wholesale dental supplies.

(g) The practice of dentistry or dental hygiene by applicants during a licensing examination conducted in this state by the licensing agency of another state which does not have a dental school; provided, however, that the consent of the

board to the conducting of such examination shall first have been obtained and that the examination shall be conducted in a dental college accredited by the board

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CHAPTER 29

An act calling a special election to be consolidated with the general election of 1966 and to provide for the submission to the electors of the state at such consolidated election of constitutional amendments and revisions proposed by the Legislature at the 1966 First Extraordinary Session, to take effect immediately.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966.]

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

SECTION 1. A special election is hereby called to be held throughout the state on the eighth day of November, 1966. The special election shall be consolidated with the general election to be held on the same date. Such consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. At such consolidated election there shall be submitted to the electors, in addition to such other measures as may be submitted in accordance with law, all constitutional amendments and revisions proposed by the Legislature at the 1966 First Extraordinary Session. Except as otherwise provided in this act, all of the provisions of law applicable to the submission of constitutional amendments and revisions proposed by the Legislature and to arguments for and against such measures shall apply to the measures submitted pursuant to this act.

SEC. 2. Within five days after final adjournment of the 1966 First Extraordinary Session, the author of any constitutional amendment or revision enacted at that session and one member of the opposite house who voted with the majority on the amendment or revision, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If such a constitutional amendment or revision was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within 10 days after the final adjournment of the 1966 First Extraordinary Session.

SEC. 3. Upon the effective date of this act the Secretary of State shall request the Attorney General to prepare ballot titles for the measures submitted pursuant to this act and shall also request the Legislative Counsel to prepare analyses of said measures in accordance with Section 3566 of the Elections Code. Said titles and said analyses shall be filed with the Secretary of State within 10 days after the final adjournment of the 1966 First Extraordinary Session. The measures submitted pursuant to this act shall be designated on the ballots at the election by their ballot titles.

SEC. 4. Notwithstanding the provisions of Section 10212 of the Elections Code, Senate Constitutional Amendment No. 1 or Assembly Constitutional Amendment No. 1 of the 1966 First Extraordinary Session of the Legislature, whichever is adopted by the Legislature for submission to the people, shall appear on the ballot and in the ballot pamphlets immediately preceding Assembly Constitutional Amendment No. 8 (Res. Ch. 181), adopted by the Legislature at its 1965 Regular Session.

SEC. 5. This act, inasmuch as it provides for the calling of an election, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

CHAPTER 30

An act to amend Section 74661 of the Government Code, relating to municipal court judges in Santa Clara County.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966.]

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

SECTION 1. Section 74661 of the Government Code is amended to read:

74661. Each of the municipal court districts established in the County of Santa Clara shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

San Jose-Milpitas-Alviso Judicial District	9
Santa Clara-Cupertino Judicial District	2
Los Gatos-Campbell-Saratoga Judicial District	1
Sunnyvale Judicial District	2
Palo Alto-Mountain View Judicial District	3

CHAPTER 31

An act to amend Sections 11110 and 11161.5 of the Penal Code, relating to mistreatment of children.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966]

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

SECTION 1. Section 11110 of the Penal Code is amended to read:

11110. The State Bureau of Criminal Identification and Investigation shall maintain records of all reports of suspected infliction of physical injury upon a minor by other than accidental means and reports of arrests for, and convictions of, violation of Section 273a. On receipt from a city police department, sheriff or district attorney of a copy of a report of suspected infliction of physical injury upon a minor by other than accidental means received from a physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner, director of a county welfare department, or any superintendent of schools of any public or private school system or any principal of any public or private school, the bureau shall transmit to the city police department, sheriff or district attorney, information detailing all previous reports of suspected infliction of physical injury upon the same minor or another minor in the same family by other than accidental means and reports of arrests for, and convictions of violation of Section 273a, concerning the same minor or another minor in the same family.

The bureau may adopt rules governing recordkeeping and reporting under Section 11161.5.

SEC. 2. Section 11161.5 of the Penal Code is amended to read:

11161.5. In any case in which a minor is brought to a physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner for diagnosis, examination or treatment, or is under his charge or care, or in any case in which a minor is observed by any superintendent of any public or private school system or any principal of any public or private school, and it appears to the physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner, school superintendent, or school principal from observation of the minor that the minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall report such fact by telephone and in writing to the head of the police department, the sheriff or the district attorney. The report shall state, if known, the name of the minor, his whereabouts and the character and extent of the injuries.

Whenever it is brought to the attention of a director of a county welfare department that a minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall file a report as provided in this section.

No physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner, director of a county welfare department, school superintendent, or school principal shall incur any civil or criminal liability as a result of making any report authorized by this section.

Copies of all written reports received by the head of a city police department, sheriff or district attorney shall be forwarded to the State Bureau of Criminal Identification and Investigation. If the records of the Bureau of Criminal Identification and Investigation maintained pursuant to Section 11110 reveal any reports of suspected infliction of physical injury upon the same minor or upon any other minor in the same family by other than accidental means, or if the records reveal any arrest or conviction in other localities for a violation of Section 273a inflicted upon the same minor or any other minor in the same family, or if the records reveal any other pertinent information with respect to the same minor or any other minor in the same family, the city police, sheriff or district attorney shall be immediately notified of the fact.

Reports and other pertinent information received from the bureau shall be made available to any licensed physician and surgeon, dentist, resident, intern, chiropractor, religious practitioner director of a county welfare department., school superintendent, school principal, or probation department, and to any agency offering child protective services.

CHAPTER 32

An act to amend Sections 73681, 73683 and 73684 of the Government Code, relating to judges and court personnel.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966.]

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

SECTION 1. Section 73681 of the Government Code is amended to read:

73681. There shall be six judges.

SEC. 2. Section 73683 of said code is amended to read:

73683. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of five hundred twenty-five dollars ($525) a month, and upon the recommendation of the clerk, increments of twenty-six dollars ($26) after six months of service, twenty-eight dollars ($28) after 1½ years, twenty-nine dollars ($29) after 2½ years,

and thirty dollars ($30) to a maximum salary of six hundred thirty-eight dollars ($638) after 3½ years of service.

(b) One legal process clerk II who shall receive a minimum salary of five hundred twelve dollars ($512) a month, and upon the recommendation of the clerk, increments of twenty-six dollars ($26) after six months of service, twenty-seven dollars ($27) after 1½ years, twenty-eight dollars ($28) after 2½ years, and thirty dollars ($30) to a maximum salary of six hundred twenty-three dollars ($623) after 3½ years of service.

(c) Six court clerks, each of whom shall receive a minimum salary of four hundred sixty-five dollars ($465) a month, and upon the recommendation of the clerk, increments of twenty-three dollars ($23) after six months of service, twenty-four dollars ($24) after 1½ years, twenty-six dollars ($26) after 2½ years, and twenty-seven dollars ($27) to a maximum salary of five hundred sixty-five dollars ($565) after 3½ years of service.

(d) One senior account clerk who shall receive a minimum salary of four hundred twenty-two dollars ($422) a month, and upon the recommendation of the clerk, increments of twenty-one dollars ($21) after six months of service, twenty-two dollars ($22) after 1½ years, twenty-three dollars ($23) after 2½ years, and twenty-four dollars ($24) to a maximum salary of five hundred twelve dollars ($512) after 3½ years of service.

(e) Two senior clerks who shall receive a minimum salary of four hundred two dollars ($402) a month, and upon the recommendation of the clerk, increments of twenty dollars ($20) after six months of service, twenty-one dollars ($21) after 1½ years, twenty-two dollars ($22) after 2½ years, and twenty-three dollars ($23) to a maximum salary of four hundred eighty-eight dollars ($488) after 3½ years of service.

(f) One cashier-clerk who shall receive a minimum salary of three hundred eighty-three dollars ($383) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, twenty dollars ($20) after 1½ years, twenty-one dollars ($21) after 2½ years, and twenty-two dollars ($22) to a maximum salary of four hundred sixty-five dollars ($465) after 3½ years of service.

(g) One small claims clerk who shall receive a minimum salary of three hundred fifty-six dollars ($356) a month, and upon the recommendation of the clerk, increments of eighteen dollars ($18) after six months of service, eighteen dollars ($18) after 1½ years, twenty dollars ($20) after 2½ years, and twenty dollars ($20) to a maximum salary of four hundred thirty-two dollars ($432) after 3½ years of service.

(h) One account clerk who shall receive a minimum salary of three hundred fifty-six dollars ($356) a month, and upon the recommendation of the clerk, increments of eighteen dollars ($18) after six months of service, eighteen dollars ($18)

after 1½ years, twenty dollars ($20) after 2½ years, and twenty dollars ($20) to a maximum salary of four hundred thirty-two dollars ($432) after 3½ years of service.

SEC. 3. Section 73684 of said code is amended to read:

73684. The clerk may also appoint:

(a) Three intermediate stenographer-clerks, each of whom shall receive a minimum salary of three hundred fifty-six dollars ($356) a month, and upon the recommendation of the clerk, increments of eighteen dollars ($18) after six months of service, eighteen dollars ($18) after 1½ years, twenty dollars ($20) after 2½ years, and twenty dollars ($20) to a maximum salary of four hundred thirty-two dollars ($432) after 3½ years of service.

(b) Three junior stenographer-clerks, each of whom shall receive a minimum salary of three hundred fifteen dollars ($315) a month and upon the recommendation of the clerk, increments of sixteen dollars ($16) after six months of service, seventeen dollars ($17) after 1½ years, seventeen dollars ($17) after 2½ years, and eighteen dollars ($18) to a maximum salary of three hundred eighty-three dollars ($383) after 3½ years of service.

(c) The clerk may appoint any combination of the two foregoing classes, but a total of three positions shall not be exceeded.

(d) Twenty-one intermediate typist-clerks, each of whom shall receive a minimum salary of three hundred thirty-nine dollars ($339) a month, and upon the recommendation of the clerk, increments of seventeen dollars ($17) after six months of service, eighteen dollars ($18) after 1½ years of service, eighteen dollars ($18) after 2½ years of service, and twenty dollars ($20) to a maximum salary of four hundred twelve dollars ($412) after 3½ years of service.

(e) Eleven junior typist-clerks, each of whom shall receive a minimum salary of three hundred dollars ($300) a month, and upon the recommendation of the clerk, increments of fifteen dollars ($15) after six months of service, sixteen dollars ($16) after 1½ years, seventeen dollars ($17) after 2½ years, and seventeen dollars ($17) to a maximum salary of three hundred sixty-five dollars ($365) after 3½ years of service.

(f) The clerk may appoint any combination of the two foregoing classes, but a total of twenty-five (25) positions shall not be exceeded.

CHAPTER 33

An act to amend Section 74909 of the Government Code, relating to court personnel.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966.]

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

SECTION 1. Section 74909 of the Government Code is amended to read:

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

Range	First step	Second step	Third step	Fourth step	Fifth step
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
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 general 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 20.0
(j) Marshal's sergeant ---------- Range 20.0
(k) Deputy marshal ---------- Range 19.0
(l) Senior typist-clerk ---------- Range 14.0
(m) Intermediate typist-clerk ---------- Range 11.0
(n) Typist-clerk ---------- Range 9.0

CHAPTER 34

An act to add Article 7 (commencing with Section 75168) to Chapter 2 of Part 7 of Division 21 of the Water Code, relating to districts governed by the Water Conservation District Law of 1931.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966.]

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

SECTION 1. Article 7 (commencing with Section 75168) is added to Chapter 2 of Part 7 of Division 21 of the Water Code, to read:

Article 7. Transfer of District Funds

75168. The board may from time to time order the transfer of funds to a special improvement district for the benefit of such special improvement district, from any available funds of the district. Any funds so transferred may be used for the payment of any expenses of such special improvement district as set forth in the notice of election.

75168.1. Prior to the transfer of any funds authorized by Section 75168, the board shall call an election pursuant to Chapter 3 (commencing with Section 75390) of Part 8 of this division for the purpose of submitting to the voters of the special improvement district the question of incurring an indebtedness and levying a special assessment in the amount of the funds to be transferred for the purpose of repaying such funds.

75168.2. The notice of election shall specify the amount of money proposed to be transferred by the district and the purpose or purposes for which it is intended to be used, and it may state that the assessment shall be levied in two, three, four, or not to exceed five successive annual installments and specify the amount of the installment to be levied in each year and the maximum rate of interest to be charged, if any, not to exceed 6 percent.

75168.3. At the election the ballot shall contain the words, "Transfer—Yes," or "Transfer—No," or words equivalent thereto.

75168.4. If a majority of the votes cast are "Transfer—Yes," the board shall at the time of the annual estimate under Chapter 1 (commencing with Section 75350) of Part 8 of this division, include in the estimate the amount voted, or if the notice of election has provided for levying the special assessment in annual installments, the board shall, at the time of the annual estimate in each of the years specified in the notice include in the estimate the amount of the installment required to be raised in that year.

75168.5. The special assessment shall be levied as generally provided in Chapters 1 (commencing with Section 75350) and 2 (commencing with Section 75370) of Part 8 of this division and when collected shall be paid to the treasurer for repayment to the district.

75168.6. If the provisions of Section 74056 are complied with in the formation of a district or if the provisions of Section 75151 have been complied with as to such special improvement district, special assessments may be levied upon all real property within the special improvement district in the manner provided in this chapter for the levy of special assessments upon land only. In such case, the resolution of the board and the notice of election shall each contain a statement that the special assessment will be levied upon all real property within the special improvement district.

CHAPTER 35

An act to add Chapter 5 (commencing with Section 74950) to Part 6 of Division 21, and to amend Sections 74770 and 75110, of the Water Code, relating to districts governed by the Water Conservation District Law of 1931.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966.]

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

SECTION 1. Section 74770 of the Water Code is amended to read:

74770. The board has no power, except as provided in this division as to certificates of indebtedness, notes, special assessments, and the issuance of bonds by the district, to incur any debt or liability whatever in excess of the express provisions of this division. Any debt or liability incurred in excess of such express provisions, except as to certificates of indebtedness, notes, special assessments, and the issuance of bonds, is absolutely void.

SEC. 1.5. Chapter 5 (commencing with Section 74950), is added to Part 6 of Division 21 of the Water Code, to read:

CHAPTER 5. NEGOTIABLE PROMISSORY NOTES

74950. The district may issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and assessment taxes, unless paid from other available funds of the district, in the same manner as bonds of said district; and provided, further, that the maturity of said notes shall not be later than five

years from the date thereof and the total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of 2 percent of the assessed valuation of the taxable property in the district, according to the last assessment roll or three hundred fifty thousand dollars ($350,000); and provided, further, that a district which has been formed for less than 18 months may borrow not exceeding twenty-five thousand dollars ($25,000).

74951. "Taxable property," as used in Section 74950, means:

(a) All lands and improvements within a district or improvement district, as the case may be, if the provisions of Section 74056 were complied with in the formation of the district or district within which the improvement district is created.

(b) All lands and improvements within an improvement district if the basis of taxation in the improvement district has been changed pursuant to Section 75151 from land to land and improvements.

(c) Land only within any district or improvement district not mentioned in subdivision (a) or (b) of this section.

74952. If a district undertakes to issue promissory notes pursuant to the limitations set forth in Section 74950, the limitations provided in Sections 75357 and 75358 shall not apply.

74953. This chapter shall remain in effect until the 91st day after the final adjournment of the 1969 Regular Session of the Legislature, and shall have no force or effect after that date.

SEC. 2. Section 75110 of said code is amended to read:

75110. A special improvement district may be formed of an area benefited thereby, a bonded indebtedness of such special improvement district may be incurred under Chapter 3 (commencing with Section 74790) of Part 6 of this division, negotiable promissory notes may be issued therefor under Chapter 5 (commencing with Section 74950) of Part 6 of this division, contracts therefor under Chapter 5 (commencing with Section 74570) of Part 5 of this division may be entered into by the board and approved by the voters of such special improvement district, the tax base therein may be changed from land to land and improvements, special assessments may be authorized to be levied therein under Chapter 3 (commencing with Section 75390) of Part 8 of this division, and annual assessment taxes may be levied therein under Chapters 1 (commencing with Section 75350) and 2 (commencing with Section 75370) of Part 8 of this division, all as provided in this chapter.

CHAPTER 36

An act to add Section 54905 to the Government Code, relating to the filing of certificates of completion, statements and maps or plats for assessment and tax purposes on the change of boundaries of police protection districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966.]

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

SECTION 1. Section 54905 is added to the Government Code, to read:

54905. Notwithstanding the provisions of Sections 54902, 54903 and 56457, any withdrawal of territory from a police protection district organized pursuant to Chapter 1 (commencing with Section 20000), Part 1, Division 14 of the Health and Safety Code which was completed prior to the effective date of this section shall be effective for assessment and taxation purposes, if the certificate of completion, statement and map or plat required by Sections 54900 and 56457 are filed on or before April 1, 1966.

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

Unless this act takes effect immediately, territory otherwise validly withdrawn from a police protection district and annexed to a city may be required to pay taxes both to the district and to the city although all police protection functions in the territory will be performed by the city.

CHAPTER 37

An act making an appropriation to reimburse school districts and county superintendents of schools for grants made to teachers undertaking specialized preparation to teach handicapped minors, to take effect immediately.

[Approved by Governor April 26, 1966 Filed with Secretary of State April 26, 1966]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the Department of Education, in augmentation of Item No. ___ of the Budget Act of 1966,

the sum of one hundred fifty thousand dollars ($150,000), or so much thereof as the Superintendent of Public Instruction certifies as required, for allocation by the Department of Education for the purposes of Chapter 8.5 (commencing with Section 6875) of Division 6 of the Education Code, of which not to exceed one hundred fifty thousand dollars ($150,000) shall be available for expenditure during the 1966–1967 fiscal year.

SEC. 2. Inasmuch as this act makes an appropriation for the usual current expenses of the state, within the meaning of Section 1 of Article IV of the California Constitution, it shall take effect immediately.

CHAPTER 38

An act to add Section 3300.5 to the Education Code, relating to unification of school districts.

[Approved by Governor April 26, 1966 Filed with Secretary of State April 26, 1966]

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

SECTION 1. Section 3300.5 is added to the Education Code, to read:

3300.5. Notwithstanding any other provision of this code, proposals to form four or more unified districts providing in part for the division of each of four or more high school districts included in the proposals shall be voted upon by the electors of all of the territory included in all of the proposals as a single proposition at a single election. If a majority of all the votes cast in such an election is cast in favor of the proposition, the proposition is approved and each of the unified districts proposed is formed.

If the proposition is disapproved at such election, the territory included within the proposals submitted to the electors as a single proposition shall be subject to the provisions of Sections 17702.2, 17702.3, 17706, and 17680, and the provisions of Chapter 3.5 (commencing with Section 20910)) of Division 16.

CHAPTER 39

An act to amend Sections 19481, 19483, 19590, 19623.1, 19662, and 19664 of the Education Code, relating to school district public works, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966.]

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

SECTION 1. Section 19481 of the Education Code is amended to read:

19481. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of General Services shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of General Services under this section may be redetermined by him, from time to time, until the project for which the apportionment was made has been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of General Services shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retroactive nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the state under the provisions of this chapter (Sections 19401 to 19486, inclusive).

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of General Services has determined or redetermined under this section was expended, or will be expended, for property acquired or to be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the public school building fund of the state-aided district shall be transferred to the public school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become liable for the payment to the state of that portion of the annual repayment and all other payments due the state under Section 19434 and other provisions of this chapter (Sections 19401 to 19486, inclusive) with respect to that portion of the apportionment

which the Director of General Services has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district, or, in the event such portion of such apportionment is a lower percentage of such apportionment than the percentage that the assessed valuation in the territory of the state-aided district which was transferred to the acquiring district is of the total assessed valuation of the state-aided district immediately preceding the effective date of the transfer, the acquiring district shall become liable for the payment to the state of that percentage of the annual repayment and all other repayments due to the state under Section 19434 and other provisions of this chapter (Sections 19401 to 19486, inclusive) with respect to such apportionment which is equal to such percentage of assessed valuation in the territory transferred to the acquiring district.

Notwithstanding the foregoing, the liability of the acquiring district for the repayment of any portion of the aforesaid apportionment made to the aforesaid state-aided district shall not exceed the product of the highest percentage referred to above (whether relating to assessed valuation or to the portion of the apportionment expended in the property acquired), multiplied by the balance due on the apportionment made to the state-aided district at the time of the withdrawal on the effective date specified in Section 1704 of the territory referred to. Such limited liability is hereinafter referred to as "the maximum." It is the intent of the Legislature that the maximum shall be applied by the Controller, both retroactively and prospectively, provided that as a result of such application (1) no cash refund shall be made to any district; (2) in the event any district has, in the past, paid an amount greater than the maximum, assuming this paragraph had been in effect at such time, the excess shall be credited by the Controller against any apportionment balances for which said district is or may hereafter become liable; and (3) the Controller shall make retroactively any adjustments in the amounts due from other districts by virtue of any adjustments made under (2) above. Notwithstanding the foregoing, any computations required to be made pursuant to this paragraph shall not be reflected in any changes in deductions required to be made pursuant to Section 19436 prior to January 1, 1966.

If any subsection, clause, sentence or phrase of this section is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this section. The Legislature hereby declares that it would have adopted this section, and each subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, clauses, sentences or phrases be declared unconstitutional.

SEC. 2. Section 19483 of the Education Code is amended to read:

19483. Whenever, subsequent to the date on which a conditional apportionment becomes final, territory is withdrawn from a state-aided district and no portion of the apportionment was expended for school property acquired by the acquiring district:

(1) If the acquiring district is a state-aided district, the assessed valuation in the territory acquired shall be included in determining assessed valuation of the property in the acquiring district, and shall thereafter be excluded in determining assessed valuation of the property in the state-aided district, for purposes of the computations under Sections 19430 to 19434, inclusive;

(2) If the acquiring district is not a state-aided district, the State Controller shall determine the percentage relationship, at the time of the withdrawal, between (a) the assessed valuation in the territory acquired, together with the current assessed valuation in all other territory theretofore acquired by the acquiring district from the state-aided district since the date of its first conditional apportionment under this chapter, and (b) the current assessed valuation of the state-aided district as it was territorially constituted on such latter date.

If the percentage of assessed valuation in acquired territory is, in the aggregate, less than 10 percent, the assessed valuation in all such acquired territory shall be excluded, until the next withdrawal of territory from the state-aided district to the acquiring district, in determining the assessed valuation of the state-aided district for the purposes of the computations under Sections 19430 to 19434, inclusive.

If the percentage of assessed valuation in acquired territory is, in the aggregate, a percentage equal to or greater than 10 percent, the State Controller shall, by deducting such percentage from 100 percent, obtain the "complement percentage." Until the next withdrawal of territory from the state-aided district to the acquiring district, the assessed valuation of the state-aided district for purposes of the computations under Sections 19430 to 19434, inclusive, shall be determined by dividing the current assessed valuation of the state-aided district, as territorially constituted immediately subsequent to the last withdrawal, by the complement percentage.

Whenever, pursuant to this section, the assessed valuation of the state-aided district is adjusted for repayment computation purposes by use of the complement percentage, liability for the annual repayment computed shall be apportioned between the state-aided district and the acquiring district by multiplying such annual repayment by the complement percentage, the product representing the liability of the state-aided district, and the remainder of the computed repayment representing the liability of the acquiring district.

Notwithstanding the foregoing, the liability of the state-aided district shall not exceed the product of any "complement percentage" (as it may from time to time exist) times the balance due on the aforesaid final apportionment at the time such complement percentage is established; and the liability of the acquiring district (while a complement percentage remains unchanged) shall not exceed the remainder of the balance of the aforesaid final apportionment at the time such complement percentage is established. The maximum liability on the part of either the state-aided or acquiring districts established as above (and until such time as such liability be altered by altering the "complement percentage") shall be hereinafter referred to in this section with respect to each such district as "the maximum."

(3) In the event that two or more nonstate-aided districts acquire territory from the aforesaid state-aided district the Controller shall determine the formulae for apportioning liability for such annual repayment between the districts affected (including the formulae for determining what assessed valuations shall be used within the affected districts or territories withdrawn, and the dates of determination thereof) as will in his opinion best comply with the principles set forth above, irrespective of whether such formulae are in literal compliance therewith. The same percentage of annual repayment for which a district is liable at the time such a liability apportionment is made shall (unless and until such liability apportionment is subsequently changed pursuant to this paragraph) be deemed applicable to the liability of such district for the balance (as of the date such liability apportionment is made) due on the final apportionment to the state-aided district. Such liability for such balance shall, with respect to any affected district, be hereinafter referred to as the "maximum" for such district.

(4) It is the intent of the Legislature that the foregoing "maximums" shall be applied by the Controller both retroactively and prospectively, provided that as a result of such application (1) no cash refund shall be made to any district; (2) in the event any district has, in the past, paid an amount greater than its "maximum," assuming this paragraph and others to which it is referable had been in effect at such time, the excess shall be credited by the Controller against any apportionment balances for which said district is or may hereafter become liable; and (3) the Controller shall make retroactively any adjustments in the amounts due from any other district by virtue of any adjustments made under (2) above. Notwithstanding the foregoing, any computations required to be made pursuant to this paragraph shall not be reflected in any changes in deductions required to be made pursuant to Section 19611 prior to January 1, 1966.

If any subsection, clause, sentence or phrase of this section is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this

section. The Legislature hereby declares that it would have adopted this section and each subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, clauses, sentences, or phrases be declared unconstitutional.

SEC. 3. Section 19590 of said code is amended to read:

19590. No apportionment to a school district shall become final unless: (a) the total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit permitted, as of the date on which the conditional apportionment is made. At the time the board makes a conditional apportionment pursuant to Section 19571, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought; provided, that in the event the school district has previously received apportionments, or has become liable for the repayment of an apportionment, such proceeds shall first be applied toward the reduction, in chronological order beginning with the earliest, of any apportionments previously made to the district, or for the repayment of which the district has become liable in whole or in part, before being applied toward the cost of the project for which an apportionment is sought, provided further that no such proceeds shall be applied toward the reduction of any apportionment for a site made pursuant to Section 19577 prior to the combination of such site apportionment with a construction apportionment pursuant to subsection (d) of Section 19577. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district. The amount of any apportionment for a construction project made as a consequence of applying district bond proceeds toward the reduction of prior apportionments pursuant to this section instead of applying the district bond proceeds toward the cost of such construction project, shall be excluded in determining the amount chargeable against the apportionments authorized by the electorate of the district to be accepted, expended and repaid. It is hereby declared that this provision, added by the amendment to this section enacted at the 1958 First Extraordinary Session of the Legislature, is not intended as a change in the law, but rather as a declaration of existing law.

Any provision of this code to the contrary notwithstanding, whenever the electors of a district, subsequent to any requirement by the board for the sale of bonds in connection with an apportionment, authorize the issuance of bonds for any purpose for which an apportionment could lawfully be made, such authorization shall, in addition to the purposes specified, be deemed to constitute the consent of the electors to apply the proceeds of the bonds so required to be sold by the board toward the reduction of any apportionment previously made to such district. Any bond funds used to reduce any apportionment pursuant to this section shall be transferred to the State School Building Aid Fund and shall be available for reapportionment by the board. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district.

No apportionment to a school district under this chapter shall become final, nor any agreement authorized by Section 19579.1 be entered into unless at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat have authorized the governing board to accept, expend and repay as provided in this chapter an apportionment under the provisions thereof or, with respect to said agreement, to obligate the district in an amount equal to or in excess of the maximum amount which the district could be obligated by said agreement, or by any act of its governing board or for which it is responsible, contemplated or permitted thereby. Said election shall be called, held and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words:

"Shall the governing board of the district be authorized (1) to accept and expend an apportionment from the State of California under and subject to the provisions of Chapter 10 of Division 14 of the Education Code, which amount is subject to repayment as provided by said chapter, or (2) to enter into an agreement or agreements with the state pursuant to Section 19579.1 of the Education Code, which will at the time of such agreement or agreements (or at the time of any subsequent act of the governing board, or for which it is responsible, contemplated or permitted thereby) commit the district to a total expenditure in connection with all such agreements of not more than _____ dollars ($_____), or both. Yes ___ No ___."

SEC. 4. Section 19623.1 of said code is amended to read:

19623.1. Interest earned on those portions of deposits in a state school building fund representing allocations from the proceeds of state school construction bonds received by the county treasurer for the benefit of a school district under this Chapter (Sections 19551 to 19689, inclusive) shall be paid

into the state school building fund created by Section 19623. Such interest which prior to the 1964–65 fiscal year was deposited in the general fund of the school district for which the state school building fund was established shall remain the property of that general fund.

SEC. 5. Section 19662 of said code is amended to read:

19662. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of General Services shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of General Services under this section may be redetermined by him, from time to time, until the project for which the apportionment was made has been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of General Services shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retroactive nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the state under the provisions of this chapter (Sections 19551 to 19689, inclusive).

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of General Services has determined or redetermined under this section was expended, or will be expended, for property acquired or to be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the state school building fund of the state-aided district shall be transferred to the state school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become liable for the payment to the state of that portion of the annual repayment and all other payments due the state under Section 19607 and other provisions of this chapter (Sections 19551 to 19689, inclusive) with respect to that portion of the apportionment which the Director of General Services has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district, or, in the event such portion of such apportionment is a lower percentage of such apportionment than the percentage that the assessed valuation in the territory of the state-aided district which was transferred to the acquiring district is of the total

assessed valuation of the state-aided district immediately preceding the effective date of the transfer, the acquiring district shall become liable for the payment to the state of that portion of the annual repayment and all other repayments due the state under Section 19607 and other provisions of this chapter (Sections 19551 to 19689, inclusive) with respect to such apportionment which is equal to such percentage of assessed valuation in the territory transferred to the acquiring district. "Annual repayment," as used in this section, refers to repayment computed under Sections 19601 to 19607, inclusive, and excludes amounts for which the state-aided district is liable under the provisions of Section 19577. Whenever a site for which repayments are being made under Section 19577 is transferred to an acquiring district the acquiring district shall be liable for the repayments required under Section 19577.

Notwithstanding the foregoing, the liability of the acquiring district for the repayment of any portion of the aforesaid apportionment made to the aforesaid state-aided district shall not exceed the product of the highest percentage referred to above (whether relating to assessed valuation or to the portion of the apportionment expended in the property acquired), multiplied by the balance due on the apportionment made to the state-aided district at the time of the withdrawal on the effective date specified in Section 1704 of the territory referred to Such limited liability is hereinafter referred to as "the maximum." It is the intent of the Legislature that the maximum shall be applied by the Controller, both retroactively and prospectively, provided that as a result of such application (1) no cash refund shall be made to any district; (2) in the event any district has, in the past, paid an amount greater than the maximum, assuming this paragraph had been in effect at such time, the excess shall be credited by the Controller against any apportionment balances for which said district is or may hereafter become liable; and (3) the Controller shall make retroactively any adjustments in the amounts due from other districts by virtue of any adjustments made under (2) above. Notwithstanding the foregoing, any computations required to be made pursuant to this paragraph shall not be reflected in any changes in deductions required to be made pursuant to Section 19611 prior to January 1, 1966.

If any subsection, clause, sentence or phrase of this section is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this section. The Legislature hereby declares that it would have adopted this section and each subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, clauses, sentences, or phrases be declared unconstitutional.

SEC. 6. Section 19664 of said code is amended to read:

19664. Whenever, subsequent to the date on which a conditional apportionment becomes final, territory is withdrawn

from a state-aided district and no portion of the apportionment was expended for school property acquired by the acquiring district:

(1) If the acquiring district is a state-aided district, the assessed valuation in the territory acquired shall be included in determining assessed valuation of the property in the acquiring district, and shall thereafter be excluded in determining assessed valuation of the property in the state-aided district, for purposes of the computations under Sections 19601 to 19607, inclusive;

(2) If the acquiring district is not a state-aided district, the State Controller shall determine the percentage relationship, at the time of the withdrawal, between (a) the assessed valuation in the territory acquired, together with the current assessed valuation in all other territory theretofore acquired by the acquiring district from the state-aided district since the date of its first conditional apportionment under this chapter, and (b) the current assessed valuation of the state-aided district as it was territorially constituted on such latter date.

If the percentage of assessed valuation in acquired territory is, in the aggregate, less than 10 percent, the assessed valuation in all such acquired territory shall be excluded, until the next withdrawal of territory from the state-aided district to the acquiring district, in determining the assessed valuation of the state-aided district for the purposes of the computations under Sections 19601 to 19607, inclusive.

If the percentage of assessed valuation in acquired territory is, in the aggregate, a percentage equal to or greater than 10 percent, the State Controller shall, by deducting such percentage from 100 percent, obtain the "complement percentage." Until the next withdrawal of territory from the state-aided district to the acquiring district, the assessed valuation of the state-aided district for purposes of the computations under Sections 19601 to 19607, inclusive, shall be determined by dividing the current assessed valuation of the state-aided district as territorially constituted immediately subsequent to the last withdrawal, by the complement percentage.

Whenever, pursuant to this section, the assessed valuation of the state-aided district is adjusted for repayment computation purposes by use of the complement percentage, liability for the annual repayment computed shall be apportioned between the state-aided district and the acquiring district by multiplying such annual repayment by the complement percentage, the product representing the liability of the state-aided district, and the remainder of the computed repayment representing the liability of the acquiring district.

Notwithstanding the foregoing, the liability of the state-aided district shall not exceed the product of any "complement percentage" (as it may from time to time exist) times the balance due on the aforesaid final apportionment at the time such complement percentage is established; and the liability

of the acquiring district (while a complement percentage remains unchanged) shall not exceed the remainder of the balance of the aforesaid final apportionment at the time such complement percentage is established. The maximum liability on the part of either the state-aided or acquiring districts established as above (and until such time as such liability be altered by altering the "complement percentage") shall be hereinafter referred to in this section with respect to each such district as "the maximum."

(3) In the event that two or more non-state-aided districts acquire territory from the aforesaid state-aided district, the Controller shall determine the formulae for apportioning liability for such annual repayment between the districts affected (including the formulae for determining what assessed valuations shall be used within the affected districts or territories withdrawn, and the dates of determination thereof), as will in his opinion best comply with the principles set forth above, irrespective of whether such formulae are in literal compliance therewith. The same percentage of annual repayment for which a district is liable at the time such a liability apportionment is made shall (unless and until such liability apportionment is subsequently changed pursuant to this paragraph) be deemed applicable to the liability of such district for the balance (as of the date such liability apportionment is made) due on the final apportionment to the state-aided district. Such liability for such balance shall, with respect to any affected district, be hereinafter referred to as the "maximum" for such district.

(4) It is the intent of the Legislature that the foregoing "maximums" shall be applied by the Controller both retroactively and prospectively, provided that as a result of such application (1) no cash refund shall be made to any district; (2) in the event any district has, in the past, paid an amount greater than its "maximum," assuming this paragraph and others to which it is referable had been in effect at such time, the excess shall be credited by the Controller against any apportionment balances for which said district is or may hereafter become liable; and (3) the Controller shall make retroactively any adjustments in the amounts due from any other district by virtue of any adjustments made under (2) above. Notwithstanding the foregoing, any computations required to be made pursuant to this paragraph shall not be reflected in any changes in deductions required to be made pursuant to Section 19611 prior to January 1, 1966.

If any subsection, clause, sentence or phrase of this section is for any reason held to be unconstitutional such decision shall not affect the validity of the remaining portions of this section. The Legislature hereby declares that it would have adopted this section and each subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, clauses, sentences, or phrases be declared unconstitutional.

SEC. 7. Section 19590 of said code is amended to read:

19590. No apportionment to a school district shall become final unless (a) the total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit permitted, as of the date on which the conditional apportionment is made At the time the board makes a conditional apportionment pursuant to Section 19571, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought; provided, that in the event the school district has previously received apportionments, or has become liable for the repayment of an apportionment, such proceeds shall first be applied toward the reduction, in chronological order beginning with the earliest, of any apportionments previously made to the district, or for the repayment of which the district has become liable in whole or in part, before being applied toward the cost of the project for which an apportionment is sought, provided further than no such proceeds shall be applied toward the reduction of any apportionment for a site made pursuant to Section 19577 prior to the combination of such site apportionment with a construction apportionment pursuant to subsection (d) of Section 19577. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district. The amount of any apportionment for a construction project made as a consequence of applying district bond proceeds toward the reduction of prior apportionments pursuant to this section instead of applying the district bond proceeds toward the cost of such construction project, shall be excluded in determining the amount chargeable against the apportionments authorized by the electorate of the district to be accepted, expended and repaid. It is hereby declared that this provision, added by the amendment to this section enacted at the 1958 First Extraordinary Session of the Legislature, is not intended as a change in the law, but rather as a declaration of existing law.

Any provision of this code to the contrary notwithstanding, whenever the electors of a district, subsequent to any requirement by the board for the sale of bonds in connection with an apportionment, authorize the issuance of bonds for any

purpose for which an apportionment could lawfully be made, such authorization shall, in addition to the purposes specified, be deemed to constitute the consent of the electors to apply the proceeds of the bonds so required to be sold by the board toward the reduction of any apportionment previously made to such district. Any bond funds used to reduce any apportionment pursuant to this section shall be transferred to the State School Building Aid Fund and shall be available for reapportionment by the board. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district.

No apportionment to a school district under this chapter shall become final, nor any agreement authorized by Section 19579.1 be entered into unless the governing board of the district has been authorized to accept, expend and repay as provided in this chapter an apportionment under the provisions thereof or, with respect to said agreement, to obligate the district in an amount equal to or in excess of the maximum amount by which the district could be obligated by said agreement, or by any act of its governing board or for which it is responsible, contemplated or permitted thereby. Such authorization shall be secured at an election called by the governing board, by two-thirds of the votes cast on the question of incurring such indebtedness or liability being in favor thereof, or by 60 percent of the votes cast on the question of incurring such indebtedness or liability being in favor thereof where the question of incurring the indebtedness or liability was submitted at the same time as a statewide primary or general election. Said election shall be called, held and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words:

"Shall the governing board of the district be authorized (1) to accept and expend an apportionment from the State of California under and subject to the provisions of Chapter 10 of Division 14 of the Education Code, which amount is subject to repayment as provided by said chapter, or (2) to enter into an agreement or agreements with the state pursuant to Section 19579.1 of the Education Code, which will at the time of such agreement or agreements (or at the time of any subsequent act of the governing board, or for which it is responsible, contemplated or permitted thereby) commit the district to a total expenditure in connection with all such agreements of not more than _____ dollars ($_____), or both. Yes _____ No _____."

SEC. 8. Section 7 of this act shall become operative only if the Section 19590 of the Education Code as proposed to be amended by Assembly Bill No. 36 is enacted by the Legisla-

ture at its 1966 First Extraordinary Session and becomes operative, or if Chapter 795 of the Statutes of 1965 becomes operative, or if both become operative; and in such case at the same time as Assembly Bill No. 36 or Chapter 795 of the Statutes of 1965 becomes operative, or both become operative; at which time Section 19590 of the Education Code as amended by Section 3 of this act, Section 19590 as amended by Chapter 795 of the 1965 Statutes and Section 19590 of the Education Code as amended by Assembly Bill No. 36 of the 1966 First Extraordinary Session are repealed.

SEC. 9. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Because of confusion in the method of computing repayment liabilities for respective shares of an apportionment, many school districts have been making excessive repayments. This situation is presently imposing a harsh burden on school district finances. The expeditious relief of this burden and the efficient operation of the state school system require immediate authorization to credit the amount of excess repayments against present and future apportionment liabilities. It is therefore necessary that this act go into immediate effect.

CHAPTER 40

An act appropriating funds for increase in compensation for clerical personnel, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966.]

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

SECTION 1. There is hereby appropriated from the General Fund the sum of nine hundred fourteen thousand two hundred dollars ($914,200) for salary increases for clerical employees of the state, to be allocated as provided in this act.

SEC. 2. Of the amount appropriated by Section 1, the sum of six hundred four thousand two hundred dollars ($604,200) shall be transferred to the Salary Increase Fund to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each clerical employee in the state service whose compensation, or portion thereof, is chargeable to the General Fund, an increase in compensation, as established on or after April 1, 1966, by the

State Personnel Board or other salary-fixing authority, exclusive of the Regents of the University of California and the Trustees of the California State Colleges, of not to exceed 4 percent over the compensation theretofore payable, plus staff benefits.

For clerical employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such employee, in accordance with this section, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.

Before any increased salary range or rate established for any position for the period April 1–June 30, 1966, shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.

SEC. 3. Of the amount appropriated by Section 1, the sum of one hundred fifty thousand dollars ($150,000) is available for university salary increases, to be allocated by the Department of Finance to the regents of the university, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost of an increase in compensation for clerical employees, established on or after April 1, 1966, of not to exceed 4 percent over the compensation theretofore payable, plus staff benefits.

SEC. 3.5. Of the amount appropriated by Section 1, the sum of one hundred sixty thousand dollars ($160,000) is available for California State Colleges' salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost of an increase in compensation for clerical employees, established on or after April 1, 1966, of not to exceed 4 percent over the compensation theretofore payable, plus staff benefits.

SEC. 4. Expenditures may be made pursuant to Sections 1, 2, 3 and 3.5 irrespective of limitations on expenditures and total increases in annual salaries prescribed by Items 277.1, 277.2, and 277.3 of the Budget Act of 1965.

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:

Compensation for clerical employees of the state, including the University of California and the state colleges, has fallen

substantially behind compensation for comparable work in private employment. Unless there is a prompt adjustment of state salaries for clerical employees, the state service will suffer serious and irreparable harm. It is therefore necessary that this legislation be given immediate effect.

SEC. 6. This act shall become operative only if the Budget Act of 1966 authorizes an increase in compensation for employees of the state, including the University of California and state colleges for the 1966–1967 fiscal year of at least 4 percent over the compensation payable, plus staff benefits, as of March 31, 1966, and appropriates sufficient funds therefor.

CHAPTER 41

An act to add Chapter 3 (commencing with Section 32550) to Part 8 of Division 12 of the Water Code, relating to inclusion of territory within county water districts in improvement districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1966. Filed with Secretary of State April 26, 1966.]

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

SECTION 1. Chapter 3 (commencing with Section 32550) is added to Part 8 of Division 12 of the Water Code, to read:

CHAPTER 3. INCLUSION IN IMPROVEMENT DISTRICTS

32550. Territory within a district, but not part of an improvement district constituted within the district pursuant to Chapter 2 (commencing with Section 31370) of Part 6 of this division, may be annexed to such improvement district whether or not contiguous thereto.

32551. The procedure for such annexation shall be the same as the procedure for annexing land to a district set forth in Chapter 2 (commencing with Section 56310) of Part 5 of Division 1 of Title 6 of the Government Code, without the preliminary proceedings provided in Part 4 (commencing with Section 56250) of said Division 1.

32552. If all the owners of land within the territory proposed to be annexed have given their written assent to such annexation, the board may by resolution order such an annexation (a) without notice and hearing by the board, (b) without an election, or (c) without notice and hearing by the board and without an election.

32553. After the adoption of a resolution ordering such annexation, or a resolution confirming an order of annexation following an election thereon, the secretary shall file a certified copy thereof with a map of the territory thus annexed with

the county assessor and the county tax collector of each county in which such annexed territory is situated and with the State Board of Equalization.

32554. Territory annexed to an improvement district shall be subject to existing bond issues and indebtedness of the improvement district from and after the filing with the county assessor specified in Section 32553.

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 areas of the state which are urgently in need of water can be supplied water by county water districts but must first be annexed to improvement districts within such county water districts. This act provides the means for such inclusion and in order to provide this vitally needed water supply as soon as possible must take effect immediately.

CHAPTER 42

An act to add Part 4.3 (commencing with Section 12050) to Division 6 of the Water Code, relating to the acquisition of water supplies from the Washoe Project on the Truckee and Carson Rivers or their tributaries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 2, 1966. Filed with Secretary of State May 2, 1966]

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

SECTION 1. Part 4.3 (commencing with Section 12050) is added to Division 6 of the Water Code, to read:

PART 4.3. WASHOE PROJECT WATER SUPPLY CONTRACTS

12050. The following definitions shall govern the construction of this part:

(a) "Public agency" includes any city, county, district, or other political subdivision of the State of California.

(b) "Department" means the Department of Water Resources.

12051 The Legislature hereby declares that the purpose of this part is to enable the acquisition of water supplies from the Washoe Project on the Truckee and Carson Rivers or their tributaries for beneficial use in California.

12052 The department may enter into a contract for the acquisition of and payment for a water supply made available to the people of the State of California by the Washoe Reclamation Project—Nevada and California (Act of August

1, 1956, c. 809, Sec. 1, 70 Stat. 775, 43 U.S.C. Sec. 614 (1958), and acts amendatory thereof or supplementary thereto) or by any division or unit thereof; provided, that the authority of the department to so contract shall not be exercised unless the governing body of one or more of the counties or countywide water agencies or countywide districts in the area where the water supply will be used shall first request the department to take such action by duly adopted resolution.

12053. (a) As a provision of any contract entered into pursuant to Section 12052, and for the purpose of securing its performance thereunder, the department may assign rights which have accrued or which will accrue to the department from the execution of contracts entered into pursuant to the provisions of subdivision (b) of Section 12054.

(b) Such rights may be effectively assigned notwithstanding the fact that contracts creating such rights have not, at the time of the assignment of rights to accrue thereunder, been executed, the provisions of Section 1045 of the Civil Code or of any other provision of law to the contrary notwithstanding. The department may require, as a condition precedent to its duty to perform any obligation incurred by virtue of its entry into any contract pursuant to Section 12052, the subsequent execution of all contracts to be entered into by the department pursuant to subdivision (b) of Section 12054 which are to create the rights assigned.

(c) The department may give such assurances, in the form of covenants in contracts to which it is a party pursuant to the provisions of Section 12052, as may be required by the terms of any interstate compact which effectively allocates water supplies from the Washoe Project or from any division or unit thereof, or by the federal government, including any agency thereof, as operating agency of the Washoe Project or of any division or unit thereof, which assurances are in the judgment of the department necessary and proper to the execution of the intent expressed by this part.

12054. Under such regulations and upon such terms, limitations, and conditions as it prescribes, the department may:

(a) Fix and establish the prices, rates, and charges at which the water supply made available to the people of the State of California by the Washoe Project, or by any division or unit thereof, shall be sold and disposed of; and

(b) Enter into contracts and agreements with public agencies or with portions thereof as described in subdivision (e) of Section 12056, for the sale and disposal of water supplies acquired by it pursuant to Section 12052.

12055. (a) As a provision of any contract entered into pursuant to subdivision (b) of Section 12054, and for the purpose of securing its performance thereunder, the department may assign rights which have accrued or which will accrue to the department from the execution of any contract entered into pursuant to the provisions of Section 12052.

(b) Such rights may be assigned notwithstanding the fact that no contract pursuant to the provisions of Section 12052 has, at the time of assignment of rights to accrue thereunder, been executed, the provisions of Section 1045 of the Civil Code or of any other provision of law to the contrary notwithstanding. The department may require, as a condition precedent to its duty to perform any obligation incurred by virtue of its entry into any contract pursuant to subdivision (b) of Section 12054, the subsequent execution of any contract to be entered into by the department pursuant to Section 12052 which is to create the rights assigned.

(c) The department is authorized to require such assurances from public agencies, in the form of covenants in contracts to which it is a party under the provisions of subdivision (b) of Section 12054, as are in the judgment of the department necessary and proper to the execution of the intent expressed by this part.

12056. Notwithstanding any provision of law to the contrary, every public agency empowered by law to make water available for any beneficial use of lands or inhabitants is hereby granted, in addition to and not in derogation or limitation of the powers conferred upon the public agency by any other law, the power:

(a) To enter into a contract with the department, subject to the provisions of Section 12057, for a water supply from the Washoe Project, or from any division or unit thereof, on behalf of the entire public agency, or of any portion or portions thereof for which the law applicable to the agency authorizes an indebtedness or liability to be incurred, including any improvement district, distribution district, or zone existing or hereafter established pursuant to the provisions of the law under which the public agency was formed, or pursuant to the provisions of subdivision (e) of this section, within said public agency, notwithstanding any debt limitation or other provision in the law applicable to such agency which might otherwise preclude or limit the incurring of such indebtedness or liability.

(b) To comply with the provisions of any contract entered into with the department under this part, including any provision which obligates the public agency, or any specified portion or portions thereof, to meet all commitments, financial or otherwise, undertaken by the public agency in such contract, notwithstanding any individual default by its constituents or others in the payment to the public agency of taxes, assessments, tolls, or other charges levied by the public agency.

(c) To annually levy or cause to be levied upon all property in the public agency, or in any portion or portions thereof, subject to taxation or assessment by the public agency an ad valorem tax or assessment, based upon the assessed valuation of such property, necessary and sufficient to meet all commitments, financial or otherwise, of the public agency that are set

forth in any contract which the agency enters into with the department under this part, in addition to any other taxes or assessments which the public agency is authorized to levy or cause to be levied on such property and notwithstanding any provision in the law applicable to such agency which might otherwise preclude or limit such taxing or assessing. Where the law applicable to such public agency does not set forth a procedure for levying and collecting taxes or assessments on an ad valorem basis, such public agency shall utilize the procedure for levying and collecting taxes for the payment of principal and interest on general obligation bonds of municipal water districts, set forth in the Municipal Water District Law of 1911 (Division 20 (commencing with Section 70000) of this code), as it may now or hereafter be amended, for the purpose of levying and collecting taxes or assessments necessary and sufficient to meet commitments in a contract entered into under this part.

(d) To make charges for the furnishing of services in connection with the exercise of rights acquired under its contract with the department and to pledge and use any or all revenues received from the collection of such charges for the purpose of meeting the commitments, financial or otherwise, of the public agency that are set forth in any contract which the public agency enters into with the department under this part.

(e) To establish, by resolutions of the governing board thereof adopted from time to time, after notice and hearing thereon, zones of benefit within said public agency without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitle each of such zones by zone number. The governing board may, by resolution, after notice and hearing thereon, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone or zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitle each of such zones by zone number; provided, that no such amendment, division, or superimposition shall impair the obligations of existing zones undertaken pursuant to the provisions of this part.

The assumption of any indebtedness which the public agency is authorized to incur may be by the entire public agency, or may be by a zone or zones thereof if less than the entire public agency will be benefited by the purpose for which such indebtedness is incurred. In the latter event any election required to authorize the indebtedness shall be held only within the affected zone or zones.

(f) To perform all acts and do all things that are necessary or convenient to carry out the above powers.

12057. (a) Before a public agency may enter into a contract with the department for a water supply from the Washoe Project, or from any division or unit thereof, the public agency shall hold an election on the proposition of whether or not the public agency shall enter into the proposed contract and more than 50 percent of the votes cast at such election must be in favor of such proposition; provided, that if a higher percentage of favorable votes is required by the Constitution before the public agency may incur an indebtedness, such higher percentage shall apply in lieu of the percentage set forth in this subdivision. Such election shall be held in accordance with the following provisions:

(1) The procedure for holding an election on the incurring of bonded indebtedness by such public agency shall be utilized for an election on the proposed contract as nearly as the same may be applicable. Where the law applicable to such agency does not contain such bond election procedure, the procedure set forth in the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) Part 1, Division 2, Title 5 of the Government Code), as it may now or hereafter be amended, shall be utilized as nearly as the same may be applicable.

(2) No particular form of ballot is required.

(3) The notice of the election shall include a statement of the time and place of the election, the purpose of the election, the general purpose of the contract, and the maximum amount of money to be borrowed from the state under the contract.

(4) The ballots for the election shall contain a brief statement of the general purpose of the contract substantially as stated in the notice of the election and shall contain the words "Execution of contract—Yes" and "Execution of contract —No."

(5) The election shall be held in the entire public agency except where the public agency proposes to contract with the department on behalf of a specified portion, or of specified portions, of the public agency, in which case the election shall be held in such portion or portions of the public agency only.

(b) Every public agency is hereby granted the power to bring an action in the superior court of the county in which the office of such agency is situated to determine the validity of any contract made with the department under this part, and the authority of the public agency to enter into the contract. The action shall be had as in the case of the judicial determination of the validity of the public agency's bonds, as nearly as the same may be applicable, and with like effect. Where the law applicable to such agency does not set forth a procedure for the judicial determination of the validity of the public agency's bonds, the action shall be had as in the case of the judicial determination of the general obligation bonds of irrigation districts under the Irrigation District Law (Division 11 (commencing with Section 20500) of this code), as it may now or hereafter be amended, as nearly as the same may be applicable, and with like effect.

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:

Authority is urgently needed to enable the Department of Water Resources to serve as the agency to contract with the United States Bureau of Reclamation for a water supply for California from the federal Washoe Project and to enter into contracts with public agencies for allocation of and repayment for such water supply. The United States Bureau of Reclamation intends to commence construction of the Stampede Division of the Washoe Project in the spring of 1966. Since the bureau desires to execute contracts for the purchase of water from the Stampede Division prior to commencing construction, or within a short time thereafter, it is necessary that the contracting agency immediately initiate negotiations designed to lead to the early execution of a contract for California's share of the water to be made available from the Stampede Division. The alternative is possible loss of California's right to this water. In order that the repayment contract and subcontracts with the water users may be executed at the earliest possible time, it is essential that this act go into immediate effect.

CHAPTER 43

An act to add Sections 20607.8, 20952.8 and 21252.8 to the Government Code, relating to retirement of local police officers under the State Employees' Retirement System.

[Approved by Governor May 2, 1966. Filed with Secretary of State May 3, 1966]

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

SECTION 1. Section 20607.8 is added to the Government Code, to read:

20607.8. For each local safety member who is a police officer, and who became such a member of this system, or, if entitled to credit for prior service, who entered police service at or below age 35, the normal rate of contribution shall be such as will provide, on the average, a service retirement annuity at age 50, or upon completion of 20 years of service at an age higher than 50 years, equal to one-fourth of his final compensation less one-half of his prior service pension (assumed for this purpose to be based on the full prior service formula applicable to his classification), it being the intention that the retirement allowances of such members, upon retirement at age 50 or such higher age, shall be, on the average, one-half of their final compensations, respectively.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20952.8 and 21252.8 by amendment to its contract made in the manner prescribed for approval of contracts, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 20607.

SEC. 2. Section 20952.8 is added to said code, to read:

20952.8. A local safety member who is a police officer shall be retired for service upon his written application to the board if he has attained age 50, and is entitled to be credited with 20 years of state service or if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500).

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20607.8 and 21252.8 by amendment to its contract made in the manner prescribed for approval of contracts, or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 20952.

SEC. 3. Section 21252.8 is added to said code, to read:

21252.8. The current service pension for local safety members who are police officers is a pension derived from the contributions of the employer, which, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal the same percentage of his final compensation, regardless of his age at retirement, for each year of service, as the contributions of the member and the employer are calculated to provide upon retirement for service at age 50, or upon completion of 20 years of service at an age higher than 50, or upon retirement with less than 20 years service at age 65, for each year of service after the effective date of the contract under which he became a member.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section and of Sections 20607.8 and 20952.8 by amendment to its contract made in the manner prescribed for approval of contracts, or, in the case of contracts made after the date this section takes effect, by express provision in such contract mak-

ing the contracting agency subject to the provisions of this section.

Whenever this section becomes applicable to the employees of any contracting agency, as to those members to whom it applies it shall supersede the provisions of Section 21252.4.

CHAPTER 44

An act to add Sections 54931 and 54931.5 to the Government Code, relating to districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 3, 1966. Filed with Secretary of State May 3, 1966.]

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

SECTION 1. Section 54931 is added to the Government Code, to read:

54931. Notwithstanding Sections 54902 and 54903 of this code, the formation of any tax assessment zone during the fiscal year 1965–66 within a lighting maintenance district formed under Chapter 26 (commencing with Section 5820), Part 3, Division 7 of the Streets and Highways Code shall be effective for assessment or taxation purposes if the statement and maps or plat referred to in Section 54900 are filed with the assessor and the State Board of Equalization on or before May 1, 1966.

SEC. 2. Section 54931.5 is added to the Government Code, to read:

54931.5. Notwithstanding Sections 54902 and 54903 of this code, any creation of a parks and parkways maintenance district organized during the fiscal year 1965–66 pursuant to Chapter 26 (commencing with Section 5820), Part 3, Division 7 of the Streets and Highways Code shall be effective for assessment or taxation purposes if the statement and maps or plat referred to in Section 54900 are filed with the assessor and the State Board of Equalization on or before May 1, 1966.

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

This act will permit any parks and parkways maintenance district which has been created during the fiscal year 1965–66 or tax assessment zones which have been formed within lighting maintenance districts during the 1965–66 fiscal year to levy taxes for the year 1966 even though statements and maps or plats required to be filed with assessing authorities are filed after January 1, 1966. In order to permit parks and parkways

maintenance districts and lighting maintenance districts to function and provide services, it is necessary that this act take immediate effect.

CHAPTER 45

An act to add Section 36516.1 to the Government Code, relating to compensation for elective mayors.

[Approved by Governor May 3, 1966. Filed with Secretary of State May 3, 1966]

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

SECTION 1. Section 36516.1 is added to the Government Code, to read:

36516.1. A mayor elected pursuant to Sections 34900 to 34904, inclusive, of the Government Code may be provided with compensation in addition to that which he receives as a councilman Such additional compensation may be provided by an ordinance adopted by the city council or by a majority vote of the electors voting on the proposition at a municipal election.

CHAPTER 46

An act relating to school district financing, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 3, 1966. Filed with Secretary of State May 3, 1966]

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

SECTION 1 (a) If the conditions specified in subdivision (b) of this section are complied with, the areawide tax rate within the territory of a school district for the fiscal year 1966–67 shall be increased by the amount, as determined by the county auditor, necessary to provide the moneys which were to have been derived from the areawide tax revenue accruing in the 1965–66 fiscal year had such areawide tax rate been applied under the provisions of Sections 20911 and 20912 of the Education Code.

(b) The increase in the areawide tax rate provided for in subdivision (a) of this section shall be applicable only to the territory of a district included within the area with respect to which the board of supervisors of that county has determined by resolution adopted on or before April 15, 1966, that because of administrative error or omission there was a failure to include in the areawide tax levies in the 1965–66 fiscal year the levies necessary to provide the moneys described in subdivision (a) of this section.

(c) The deductions to be made for purposes of Section 19611 of the Education Code from apportionments to the school districts in the county for the 1965–66 fiscal year shall be reduced, or, if previously made, shall be restored to the districts of the county in an amount equal to the insufficiency of areawide tax revenues in the elementary school fund in the 1965–66 fiscal year as certified by the county auditor to the State Controller. Upon receipt of the Controller's warrant, drawn pursuant to Section 17352 of the Education Code, for which withholdings are not made pursuant to Section 19611, the county auditor shall transfer the excess apportionment, to the extent of the insufficiency, to the elementary school fund in the county for apportionment to districts pursuant to Section 20921 of the Education Code.

(d) Restoration of the funds shall be made by the county auditor upon the receipt of revenues derived from the levy of the increased areawide rate pursuant to subdivision (a) of this section, by drawing a warrant in favor of the State Controller.

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

Because of administrative error or omission there were excluded from the areawide property taxes levied within a number of school districts for the 1965–1966 fiscal year the levies required to be made for a number of essential operational purposes. In order that the affected districts may secure the fiscal relief provided by this act and make the necessary budgetary arrangements for recoup, in the 1966–1967 fiscal year, the emergency expenditures required to be made because of the administrative errors in the taxing procedure, it is necessary that this act take effect immediately.

CHAPTER 47

An act making an appropriation of funds for a loan to the South Tahoe Public Utility District for transportation of sewage effluent of the South Lake Tahoe Basin and providing for cooperation of the Department of Water Resources therein, and to repeal Chapter 1386 of the Statutes of 1965, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 3, 1966 Filed with Secretary of State May 3, 1966.]

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

SECTION 1. There is hereby appropriated from the General Fund the sum of one million eight hundred thousand dollars

($1,800,000) to the State Allocation Board for a loan by the board to the South Tahoe Public Utility District, under the Local Agency Allocation Law (commencing with Section 15500 of the Government Code) of so much of such amount as the board determines is necessary to permit the extension of facilities for the transportation of treated effluent of the South Lake Tahoe Basin from the summit of Luther Pass to Diamond Valley in Alpine County.

SEC. 2. No part of the appropriation made in Section 1 of this act shall be available for allocation to the South Tahoe Public Utility District unless it is to be used to finance the construction of facilities for the transportation of treated effluent out of the South Lake Tahoe Basin, and unless the South Tahoe Public Utility District executes an agreement with the State Allocation Board under which it agrees to repay the amount of the allocation, with interest, within 25 years following a 10-year moratorium on principal payments, and with the interest to be at a rate equal to the average, as determined by the board, of the net interest costs to the state on the sales of general obligation bonds of the state that occurred during the calendar year immediately preceding the calendar year in which the interest falls due, during the moratorium on principal payments, with interest thereafter to be payable at the last rate applied during the moratorium; provided that when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

SEC. 3. The amount of the allocation authorized to be made by the State Allocation Board for transportation facilities shall be reduced by the amount of any grant of federal money made for assistance in financing any portion of such transportation facilities.

SEC. 4. Chapter 1386 of the Statutes of 1965 is repealed.

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:

Increasing population and urbanization in the Lake Tahoe Basin has created a serious sewage disposal problem which requires immediate action. The provisions of this act are necessary to solve this problem and will assure the maintenance of the quality of the water of Lake Tahoe and its tributaries. It is therefore essential that this act go into immediate effect.

CHAPTER 48

An act to add Section 13065 to the Water Code, relating to disposition of sewage in the Lake Tahoe watershed.

[Approved by Governor May 3, 1966. Filed with Secretary of State May 3, 1966.]

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

SECTION 1. Section 13065 is added to the Water Code, to read:

13065. Notwithstanding any other provision of law, upon any district in the Lake Tahoe Basin providing in any area of the district a sewer system and treatment facilities sufficient to handle and treat any resultant sewage and transportation facilities sufficient to transport any resultant sewage effluent outside the Lake Tahoe Basin, the further maintenance or use of cesspools or other means of sewage or industrial waste disposal in such area is a public nuisance and the district shall require all buildings from which sewage or industrial waste is discharged to be connected with the sewer system within a period of not less than 90 days from the completion of such system and facilities.

SEC. 2. This act, applicable only to the watershed of Lake Tahoe, is necessary to meet the unique problems of water quality control presented by the population growth and development of the area in relation to Lake Tahoe's geographic location and the necessity to export any waste produced in the area out of the Lake Tahoe Basin.

CHAPTER 49

An act to add Section 262.5 to the Revenue and Taxation Code, relating to property tax exemptions and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1966. Filed with Secretary of State May 4, 1966.]

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

SECTION 1. Section 262.5 is added to the Revenue and Taxation Code, to read:

262.5. Any tax or penalty, or interest thereon for any fiscal year commencing during the calendar year 1963 on property owned by any organization qualified for the church exemption pursuant to Sections 206 and 206.1 which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for the church exemption and that would have so qualified for such fiscal year had it been owned

by such organization on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made notwithstanding any limitation upon the time within which such cancellation or refund could otherwise be made.

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 qualified for the church exemption pursuant to Sections 206 and 206.1 purchased property during the 1963 calendar year, after the lien date for that year, which property was taxed for the fiscal year 1963–64, although it would have been exempt from taxation for that year by reason of the church exemption had it been acquired prior to such lien date. If required to meet such tax obligation, the ability of such organizations to function effectively will be seriously impaired to the great detriment of our state. This act will remedy that situation, and in so doing, the public policy of the state for the exemption of property owned by religious organizations, as expressed in Section 1½ of Article XIII of the Constitution, will be subserved and the state as a whole will benefit.

CHAPTER 50

An act to add Section 1029 to the Probate Code and to add Section 2264 to the Civil Code, relating to "pecuniary bequests" and trust transfers of pecuniary amounts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1966. Filed with Secretary of State May 4, 1966.]

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

SECTION 1. Section 1029 is added to the Probate Code, to read:

1029. As used in this section, the term "pecuniary bequest" means a devise or bequest in a will of a fixed amount, which amount is either expressly stated in the will or determinable by the provisions of the will. Whether a devise or bequest is a pecuniary bequest as herein defined depends upon the intention of the testator.

Where a will authorizes the executor or other representative of the estate (herein referred to as "fiduciary") to satisfy a pecuniary bequest wholly or partly by distribution of property other than money, then, unless the will otherwise expressly provides, the assets selected for that purpose shall be valued at their respective fair market values on the date or dates of distribution. If the fiduciary is allowed by the provisions of the will to value the assets selected for such distribution as of a date other than the date of distribution, then, unless the will otherwise expressly provides, the assets selected by the fiduciary for that purpose shall have an aggregate fair market value on the date or dates of distribution which, when added to any cash distributed, will amount to no less than the amount of such bequest as stated in, or determined by, the provisions of the will.

This section shall apply to any decree or order of distribution made after the effective date hereof, whether the decedent died before or after such date. No inference shall be drawn from the enactment of this section as to heretofore existing law.

SEC. 2. Section 2264 is added to the Civil Code, to read:

2264. As used in this section, the term "transfer in trust of a pecuniary amount" means a transfer under a trust instrument of a fixed amount, which amount is either expressly stated in the instrument or determinable by the provisions of the instrument. Whether a transfer in trust is a transfer in trust of a pecuniary amount depends upon the intention of the trustor.

Where a trust instrument authorizes the trustee to satisfy a transfer in trust of a pecuniary amount wholly or partly by transfer of property other than money, then, unless the instrument otherwise expressly provides, the assets selected for that purpose shall be valued at their respective fair market values on the date or dates of transfer. If the trustee is allowed by the provisions of the instrument to value the assets selected for such transfer as of a date other than the date of transfer, then, unless the instrument otherwise expressly provides, the assets selected by the trustee for that purpose shall have an aggregate fair market value on the date or dates of transfer which, when added to any cash transferred, will amount to no less than the amount of such transfer in trust, as stated in, or determined by, the provisions of the instrument.

This section shall apply to any transfer, including any division, allocation or distribution, after the effective date hereof, whether the trust instrument was executed before or after such date. No inference shall be drawn from the enactment of this section as to heretofore existing law.

SEC. 3. The Legislature finds and declares that it is necessary to protect California's citizens from inadvertent loss of the federal estate tax marital deduction. This act will accomplish this purpose by providing a method of valuating property

for purposes of taxation, which will preclude pecuniary bequests and transfers to a surviving spouse under California law from being satisfied with assets which have declined in value.

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:

Under present law, many needy widows of California residents are unable to obtain the federal estate tax marital deduction because of a regulation of the federal Internal Revenue Service which specifies that certain property having a fluctuating value must have an ascertainable value as of a certain date for purposes of distribution. This act will provide a procedure whereby such property may be valued consistent with such regulation. In order that resident needy widows whose husbands' estates are now subject to the federal estate tax may be able to obtain the marital deduction, it is necessary that this act go into effect immediately.

CHAPTER 51

An act to amend Sections 1822.4, 1823, 19590, 21754, and 27955 of the Education Code, and Sections 25211.14, 25211.15, 29908, and 43614 of the Government Code, relating to long-term indebtedness for public school and library purposes.

[Approved by Governor May 4, 1966. Filed with Secretary of State May 4, 1966.]

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

SECTION 1. Section 1822.4 of the Education Code is amended to read:

1822.4. The indebtedness, referred to in Sections 1822, 1822.1, 1822.2, and 1822.3, is assumed if at the election on assumption provided for in such sections two-thirds of the votes cast on the question of assumption favor the assumption, or 60 percent of the votes cast on the question of assumption favor the assumption and the question of assumption was submitted to the electors at the same time as a statewide primary or general election.

SEC. 2. Section 1823 of said code is amended to read:

1823. No territory which comprises the whole or a part of a district and which is made a part of another district or of a new district through any proceeding involving any affirmative action taken by the residents of such territory shall be liable for any of the then outstanding bonded indebtedness of the district of which it is made a part unless, at an election called for that purpose in accordance with Section 1644.1 or Sec-

tions 1822, 1822.1, 1822.2, 1822.3, and 1822.4, two-thirds of the votes cast on the question of assumption of such liability favor such assumption, or 60 percent of the votes cast on the question of assumption of such liability favor such assumption and the question of assumption was submitted at the same time as a statewide primary or general election.

SEC. 3. Section 19590 of said code is amended to read:

19590. No apportionment to a school district shall become final unless: (a) the total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit permitted, as of the date on which the conditional apportionment is made. At the time the board makes a conditional apportionment pursuant to Section 19571, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought; provided, that in the event the school district has previously received apportionments, or has become liable for the repayment of an apportionment, such proceeds shall first be applied toward the reduction, in chronological order beginning with the earliest, of any apportionments previously made to the district, or for the repayment of which the district has become liable in whole or in part, before being applied toward the cost of the project for which an apportionment is sought, provided further that no such proceeds shall be applied toward the reduction of any apportionment for a site made pursuant to Section 19577 prior to the combination of such site apportionment with a construction apportionment pursuant to subsection (d) of Section 19577. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district. The amount of any apportionment for a construction project made as a consequence of applying district bond proceeds toward the reduction of prior apportionments pursuant to this section instead of applying the district bond proceeds toward the cost of such construction project, shall be excluded in determining the amount chargeable against the apportionments authorized by the electorate of the district to be accepted, expended and repaid. It is hereby declared that this provision, added by the amendment to this section enacted at the 1958 First Extraordinary Session of the Legislature, is

not intended as a change in the law, but rather as a declaration of existing law.

Any provision of this code to the contrary notwithstanding, whenever the electors of a district, subsequent to any requirement by the board for the sale of bonds in connection with an apportionment, authorize the issuance of bonds for any purpose for which an apportionment could lawfully be made, such authorization shall, in addition to the purposes specified, be deemed to constitute the consent of the electors to apply the proceeds of the bonds so required to be sold by the board toward the reduction of any apportionment previously made to such district. Any bond funds used to reduce any apportionment pursuant to this section shall be transferred to the State School Building Aid Fund and shall be available for reapportionment by the board. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district.

No apportionment to a school district under this chapter shall become final, nor any agreement authorized by Section 19579.1 be entered into unless the governing board of the district has been authorized to accept, expend and repay as provided in this chapter an apportionment under the provisions thereof or, with respect to said agreement, to obligate the district in an amount equal to or in excess of the maximum amount by which the district could be obligated by said agreement, or by any act of its governing board or for which it is responsible, contemplated or permitted thereby. Such authorization shall be secured at an election called by the governing board, by two-thirds of the votes cast on the question of incurring such indebtedness or liability being in favor thereof, or by 60 percent of the votes cast on the question of incurring such indebtedness or liability being in favor thereof where the question of incurring the indebtedness or liability was submitted at the same time as a statewide primary or general election. Said election shall be called, held and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words:

"Shall the governing board of the district be authorized (1) to accept and expend an apportionment from the State of California under and subject to the provisions of Chapter 10 of Division 14 of the Education Code, which amount is subject to repayment as provided by said chapter, or (2) to enter into an agreement or agreements with the state pursuant to Section 19579.1 of the Education Code, which will at the time of such agreement or agreements (or at the time of any subsequent act of the governing board, or for which it is responsible, contemplated or permitted thereby) commit the district to a total expenditure in connection with all such

agreeements of not more than _____ dollars, or both. Yes _____ No _____."

SEC. 4. Section 21754 of said code is amended to read:

21754. If it appears from the certificate of election results that two-thirds of the votes cast on the proposition of issuing bonds of the district are in favor of issuing the bonds, or that 60 percent of the votes so cast on the proposition are in favor of issuing the bonds where the proposition of issuing the bonds was submitted to such electors at the same time as a statewide primary or general election, the governing board of the school district shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. The county superintendent of schools shall send a copy of the certificate of election results to the board of supervisors of the county.

SEC. 4.5. Section 27955 of said code is amended to read:

27955. The board of library trustees shall meet on the seventh day after the election, at 8 o'clock p.m., and canvass the returns. If it appears that at the election two-thirds of the votes cast were cast in favor of issuing the bonds, or that 60 percent of the votes so cast were cast in favor of issuing the bonds where the proposition of issuance of the bonds was submitted at the same time as a statewide primary or general election, the board shall enter the fact upon its minutes and shall certify all the proceedings to the supervising board of supervisors. Thereupon the board of supervisors shall issue the bonds of the district, in the number and amount provided in the proceedings, and the district shall be named on the bonds. The bonds shall be paid out of the building fund of the district.

The money for the redemption of the bonds and the payment of interest thereon shall be raised by taxation upon the taxable property in the district.

SEC. 5. Section 25211.14 of the Government Code is amended to read:

25211.14. The applicable vote majority specified by the Constitution shall be required for approval of the issuance of general obligation bonds.

SEC. 6. Section 25211.15 of said code is amended to read:

25211.15. If the proposition receives approval by the necessary applicable vote majority at the election on incurring the indebtedness, the board may by resolution, at the time or times it deems proper, provide for the following:

(a) The form of the bonds.

(b) The execution of the bonds.

(c) The issuance of any part of the bonds.

SEC. 7. Section 29908 of said code is amended to read:

29908. If the proposition receives approval by the applicable vote majority required by the Constitution, the bonds in

an amount not exceeding that specified in said proposition may be issued. When two or more propositions are submitted at the same election, the votes cast for and against each proposition shall be separately counted.

SEC. 8. Section 43614 of said code is amended to read:

43614. If the proposition receives approval by the applicable vote majority required by the Constitution the bonds may be issued.

SEC. 9. This act shall supersede Chapter 795 of the Statutes of 1965.

This act shall become operative only if either Assembly Constitutional Amendment No. 1 of the 1966 First Extraordinary Session of the Legislature, or Assembly Constitutional Amendment No. 8 of the 1965 Regular Session, is approved by the electors and becomes effective, in which case this act shall become operative at the same time as such constitutional amendment is approved.

CHAPTER 52

An act to add Section 271.5 to the Revenue and Taxation Code, relating to the welfare exemption from property taxation.

[Approved by Governor May 4, 1966. Filed with Secretary of State May 4, 1966.]

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

SECTION 1. Section 271.5 is added to the Revenue and Taxation Code, to read:

271.5. Any tax or penalty, or interest thereon, for any fiscal year commencing during the calendar year 1965 on property owned by any organization qualified for the welfare exemption pursuant to Section 214 which was acquired by it during that calendar year after the lien date in that year but prior to the commencement of such fiscal year, and of a kind that presently qualifies for the welfare exemption and that would have so qualified for such fiscal year had it been owned by such organization on such lien date, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected. Any cancellation or refund made pursuant to this section shall be made notwithstanding any limitation upon the time within which such cancellation or refund could otherwise be made.

CHAPTER 53

An act to add Section 18734.5 to the Business and Professions Code, relating to boxing.

[Approved by Governor May 4, 1966. Filed with Secretary of State May 4, 1966.]

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

SECTION 1. Section 18734.5 is added to the Business and Professions Code, to read:

18734.5. Notwithstanding Section 18734, any person of the age of 16 years or over, who is registered as an amateur boxer, either in this state or in any other state or in any territory where a person of the age of 16 years or over may box legally, may participate in any National Amateur Athletic Union Boxing Championship events held in this state.

CHAPTER 54

An act to add Section 22155.8 to the Government Code, relating to school district employees.

[Approved by Governor May 4, 1966. Filed with Secretary of State May 4, 1966.]

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

SECTION 1. Section 22155.8 is added to the Government Code, to read:

22155.8. The board shall execute, no later than December 31, 1966, a modification to the agreement to transfer to the retirement system, as defined in Section 22009.1(*l*)(1), created by division of each retirement system as defined in Section 22009.1(c), or by division prior to December 31, 1959, of the State Employees' Retirement System with respect to employees of each school district which was a contracting agency, of the position of any member included in the system as defined in Section 22009.1(*l*)(2) created by such division who requests such transfer pursuant to the Social Security Act and board rules.

CHAPTER 55

An act to repeal the San Diego County Flood Control District Act (Chapter 1372 of the Statutes of 1945) and to create a flood control district to be called the "San Diego County Flood Control District" and dividing said district into zones; to provide for the control of flood and storm waters and for the protection of watercourses, watersheds, beaches and shorelines, public highways, life and property in said district from damage or destruction from such waters; to prevent the waste of water or the diminution of the water supply in said district; to obtain, retain and reclaim drainage, storm, flood and other waters and to save and conserve all or any of such waters for beneficial use in said district; to authorize the incurring of indebtedness and the voting, issuing and selling of bonds, and the levying and collecting of taxes by said district and providing certain limitations on assessments, bonded indebtedness and expenditures with respect to the zones of said district; and to define the powers of said district, including the right of the district to sue and be sued, and the powers and duties of the officers thereof; to provide for the government, management and control of said district; and to provide for the construction of works and the acquisition of property by the district to carry out the purposes of this act.

[Approved by Governor May 4, 1966. Filed with Secretary of State May 4, 1966.]

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

SECTION 1. The San Diego County Flood Control District Act (Chapter 1372 of the Statutes of 1945) is repealed.

SEC. 1.5. This act shall be known and may be cited as the "San Diego County Flood Control District Act."

SEC. 2. A flood control district is hereby created to be called the San Diego County Flood Control District. Said district shall consist of all of the unincorporated territory of the County of San Diego lying within the exterior boundaries of said county on the effective date of this act and of any incorporated area of any city annexed to said district as hereafter in this act provided, except that the following described territory shall not be included within the district:

All that territory in the County of San Diego, State of California, lying within the following described boundary: Beginning at the Northwest corner of fractional Section 36, Township 8½ South, Range 3 East, S.B.M.;

1. thence Southerly along the West line of said Section 36 and the West line of Section 1, Township 9 South, Range 3 East, S.B M., to the West Quarter corner of said Section 1;

2. thence Easterly along the East and West center line of said Section 1 to the East Quarter corner of said Section 1,

being a point in the West line of Township 9 South, Range 4 East, S.B.M.;

3. thence Southerly along said West line to the West Quarter corner of Section 7, said township and range;

4. thence Easterly along the East and West center line of said Section 7 to the center of said section;

5. thence Southerly along the North and South center lines of Sections 7 and 18, said township and range, to the center of said Section 18;

6. thence Easterly along the East and West center lines of Sections 18 and 17, said township and range, to the center of said Section 17;

7. thence Southerly along the North and South center line of said Section 17 to the North Quarter corner of Section 20, said township and range;

8. thence Easterly along the North lines of Sections 20, 21, and 22, said township and range, to the North Quarter corner of said Section 22;

9. thence Southerly along the North and South center lines of Sections 22 and 27, said township and range, to the center of said Section 27;

10. thence Easterly along the East and West center line of said Section 27 to the East Quarter corner thereof;

11. thence Southerly along the East lines of Sections 27 and 34, said township and range, and the West lines of Sections 2, 11, and 14, Township 10 South, Range 4 East, S.B.M., to the West Quarter corner of said Section 14;

12. thence Easterly along the East and West center line of said Section 14 to the center thereof;

13. thence Southerly along the North and South center line of said Section 14 to the South Quarter corner thereof;

14. thence Easterly along the North lines of Sections 23 and 24, said township and range, to the North Quarter corner of said Section 24;

15. thence Southerly along the North and South center lines of Sections 24 and 25, said township and range, to the center of said Section 25;

16. thence Westerly along the East and West center line of said Section 25 to the West Quarter corner thereof;

17. thence Southerly along the West line of said Section 25 to the Southwest corner thereof;

18. thence Westerly along the North line of Section 35, said township and range, to the North Quarter corner thereof;

19. thence Southerly along the North and South center line of said Section 35 and the North and South center line of Section 2, Township 11 South, Range 4 East, S.B.M., to the center of said Section 2;

20. thence Easterly along the East and West center lines of Sections 2 and 1, said township and range, to the East Quarter corner of said Section 1, being a point in the West line of Section 6, Township 11 South, Range 5 East, S.B.M.;

21. thence Northerly along the West line of said Section 6 to the Northwest corner thereof;

22. thence Easterly along the North line of said Section 6 to the Northeast corner thereof;

23. thence Southerly along the East line of said Section 6 to the Southeast corner thereof;

24 thence Easterly along the South line of Section 5, said township and range, to the South Quarter corner of said section;

25. thence Southerly along the North and South center lines of Sections 8, and 17, said township and range, to the South Quarter corner of said Section 17;

26. thence Westerly along the South line of said Section 17 to the Northeast corner of Section 19, said township and range;

27. thence Southerly along the East line of said Section 19 to the Southeast corner thereof;

28. thence Westerly along the South line of said Section 19 and the South lines of Sections 24 and 23, Township 11 South, Range 4 East, S B.M., to the South Quarter corner of said Section 23;

29. thence Southerly along the North and South center line of Section 26, said township and range, to the center thereof;

30. thence Westerly along the East and West center lines of Sections 26, 27, and 28, said township and range, to the center of said Section 28;

31. thence Northerly along the North and South center lines of Sections 28 and 21, said township and range, to the center of said Section 21;

32 thence Westerly along the East and West center lines of Sections 21, 20, and 19, said township and range, to a point of intersection with the Southeasterly boundary of Rancho Valle de San Jose, Book 2, Page 84, of Patents, as filed in the San Diego County Recorder's Office;

33. thence Westerly along said Southeasterly boundary to a point of intersection with the range line common to Ranges 3 East and 4 East;

34. thence Southerly along said common range line to the East Quarter corner of Section 1, Township 12 South, Range 3 East, S.B.M.;

35. thence Westerly along the East and West center lines of Sections 1, 2, 3, and 4, said township and range, to a point of intersection with the Northeasterly boundary of Rancho Santa Ysabel, according to Land Survey 116 as filed in San Diego County Recorder's Office;

36. thence Northwesterly along said Rancho Santa Ysabel boundary to its intersection with the township line common to Township 11 South and Township 12 South, S.B.M.;

37. thence Westerly along said township line to an intersection with the range line between Range 2 East and Range 3 East, S.B.M.;

38. thence Northerly along said range line to the Southeast corner of said Section 25, Township 11 South, Range 2 East, S.B.M.;

39. thence Westerly along the South line of said Section 25 to the South Quarter corner of said Section 25;

40. thence Northerly along the North and South center line of said Section 25, to the center of said Section 25;

41. thence Westerly along the East and West center lines of Sections 25 and 26, said township and range, to the center of said Section 26;

42. thence Northerly along the North and South center lines of Sections 26 and 23, said township and range, to the center of said Section 23;

43. thence Westerly along the East and West center line of said Section 23 to the West Quarter corner thereof;

44. thence Northerly along the East line of Section 22, said township and range, to the Northeast corner of said Section 22;

45. thence Westerly along the North line of said Section 22 to the Northwest corner thereof;

46. thence Northerly along the East line of Section 16, said township and range, to the Northeast corner of said Section 16;

47. thence Westerly along the North line of said Section 16 to the Northwest corner thereof;

48. thence Southerly along the East line of Section 17, said township and range, to the East Quarter corner of said section;

49. thence Westerly along the East and West center line of said Section 17 to the West Quarter corner thereof;

50. thence Northerly along the East line of Section 18, said township and range, to the Northeast corner of said Section 18;

51. thence Westerly along the North line of said Section 18 to the North Quarter corner thereof;

52. thence Northerly along the North and South center line of Section 7, said township and range, to the center of said section;

53. thence Westerly along the East and West center lines of said Section 7 and Section 12, Township 11 South, Range 1 East, S.B.M., to the center of said Section 12;

54. thence Northerly along the North and South center line of said Section 12 to the North Quarter corner thereof;

55. thence Westerly along the North lines of Sections 12 and 11, said township and range, to a point of intersection with the Northeasterly boundary of Rancho Guejito, as shown on Government Survey as approved June 16, 1885, by U. S. Surveyor General's Office, San Francisco, California;

56. thence Southeasterly and Southerly along said boundary to a point of intersection with the East and West center line of said Section 11;

57. thence Westerly in a straight line to the center of Section 8, said township and range;

58. thence Southerly along the North and South center line of said Section 8, to a point of intersection with the Northwesterly boundary of said Rancho Guejito;

59. thence Southwesterly along said Northwesterly boundary to a point of intersection with the South line of Section 18, said township and range;

60. thence Westerly along the South line of said Section 18 and the North line of Section 24, Township 11 South, Range 1 West, S.B.M., to the Northwest corner of said Section 24;

61. thence Southerly along the East line of Section 23, said township and range, to the East Quarter corner of said section;

62. thence Westerly along the East and West center line of said Section 23 to the center thereof;

63. thence Southerly along the North and South center line of said Section 23 to the South Quarter corner of said Section 23, being also the North Quarter corner of Section 26 of said township and range;

64. thence Westerly along the North lines of Sections 26, 27, 28, 29, and 30, said township and range, to the Northeasterly corner of Section 25, Township 11 South, Range 2 West, S B.M.;

65. thence Westerly along the Northerly line of said Section 25 to an intersection with the Southerly line of Sherwood Heights Unit #1, Map No. 3846, as filed in the San Diego County Recorder's Office;

66 thence Southwesterly and Northwesterly along the boundary line of said map to a point of intersection with the South line of Section 24, Township 11 South, Range 2 West, S.B.M.;

67. thence continuing Westerly along said South line to the South Quarter corner of said Section 24;

68. thence North 43°16'50" West, 3567.84 feet to the West Quarter corner of said Section 24;

69. thence Westerly along the East and West center line of Section 23, said township and range, to the West Quarter corner of said Section 23;

70. thence Northerly along the East line of Section 22, said township and range, to the Northeast corner of said section;

71. thence Westerly along the North line of said Section 22 to the North Quarter corner thereof;

72. thence Northerly along the North and South center line of Section 15, said township and range to the center of said section;

73. thence Westerly along the East and West center lines of Sections 15 and 16, said township and range, to the West Quarter corner of said Section 16;

74. thence Southerly along the West line of said Section 16 to the Southwest corner thereof;

75. thence Westerly along the North line of Section 20, said township and range, to an intersection with the center line of Road Survey No. 603 as filed in the San Diego County Surveyor's Office;

76. thence Southwesterly and Westerly along said center line of Road Survey No. 603 to a point of intersection with the center line of X1-SD-77F, California State Highway 395, as filed in the State Division Highway Office, San Diego County;

77. thence Northerly along said center line of Highway 395 to a point of intersection with the North line of Section 19, said township and range;

78. thence Westerly along said North line of Section 19 to the Northwest corner of said Section 19;

79. thence Westerly along the North lines of Sections 23 and 24, Township 11 South, Range 3 West, S.B.M., to the Northwest corner of said Section 23;

80. thence Southerly along the Westerly line of said Section 23 and the East line of Section 27, said township and range, to a line which bears South 89°52'20" East from a point on the West line of the East half of the Southeast Quarter of the Southeast Quarter of said Section 27, said point distant thereon 437.00 feet Northerly from the Southeast corner of said East Half;

81 thence South 89°52'20" East, 33 00 feet;

82. thence South 2°11'44" East to a point in the North line of Road Survey No. 681 as filed in the San Diego County Surveyor's Office;

83. thence Westerly along said North line to the East line of said Section 27;

84. thence Southerly along the East line of said Section 27 and along the East line of said Section 34, said township and range, to the East Quarter corner of said Section 34;

85. thence South 89°21'35" East, 26.10 feet;

86. thence South 33°28' East, 209 00 feet;

87. thence South 63°10' East, 95.86 feet;

88. thence South 25°29' East, 151 58 feet;

89. thence South 19°02' East, 183 30 feet;

90. thence South 77°26' West, 1 9 30 feet;

91. thence North 77°58'03" West to a point in the East line of said Section 34;

92. thence Southerly along said East line to the Northeast corner of Section 3, Township 12 South, Range 3 West, S.B.M.;

93. thence Westerly along the North line of said Section 3 to the North Quarter thereof;

94. thence Southerly along the North and South center line of said section to the South line of the North Half of the North Half of said section;

95. thence Westerly along said South line to the West line of said Section 3;

96 thence Southerly along the East line of Section 4, Township 2 South, Range 3 West, S.B.M., to a point of intersection

with the Northeasterly line of Rancho Los Vallecitos de San Marcos, Map No 806 as filed in the San Diego County Recorder's Office;

97. thence Northwesterly along said Northeasterly line of Rancho Vallecitos de San Marcos to the Northeasterly corner of Rexford Vistas Unit No. 1, Map No. 4397 as filed in the San Diego County Recorder's Office;

98. thence Southwesterly along the Southeasterly line of said Rexford Vistas and its Southwesterly prolongation to a point of intersection with the center line of Mission Road 1-B, according to Plats thereof on file in the Surveyor's Office of said County;

99. thence Northwesterly along said center line to a point of intersection with the center line "C" Street, now known as Rancho Santa Fe Road, as shown on Road Survey No. 454 as filed in the San Diego County Surveyor's Office;

100. thence Southwesterly along said center line of Rancho Sante Fe Road to a point of intersection with the center line of Grand Avenue as shown on said Map No. 806;

101. thence Northwesterly along the center line of said Grand Avenue to a point of intersection with the center line of Poinsetta Avenue as shown on Road Survey No. 465 as filed in the San Diego County Surveyor's Office;

102. thence in a Southwesterly direction along the center line of said Poinsetta Avenue and Linda Vista Road, O. S. 128, as filed in San Diego County Surveyor's Office to a point of intersection with the center line of Road Survey No. 757 (Palomar Road) as filed in the San Diego County Surveyor's Office;

103. thence Westerly along said center line of Road Survey No. 757 to a point of intersection with the center line of Road Survey No. 682 (El Camino Real) as filed in the San Diego County Surveyor's Office;

104. thence Southerly along said center line of Road Survey No. 682 to a point of intersection with the South line of Rancho Agua Hedionda, Book 1, Page 153, of Patents as filed in the San Diego County Recorder's Office;

105. thence Westerly along said South line of Rancho Agua Hedionda, to the East line of Fractional Section 21, Township 12 South, Range 4 West, S.B.M.;

106. thence Southerly along said East line to the Southeasterly corner of said Section 21;

107. thence Westerly along the Southerly line of said Section 21 and along the Southerly line of Fractional Section 20 of said township and range and along the Westerly prolongation thereof to a point in the Westerly boundary of the County of San Diego, as described in Title 3, Division 1, Chapter 2, Article 2, of the Government Code of the State of California;

108 thence Northerly along said boundary to an intersection with the Southerly prolongation of the most Westerly line of Rancho Margarita y Las Flores;

109. thence Northerly along said prolongation and along said Westerly line, being also the common boundary between

Orange County and San Diego County, to the Northerly terminus of said line, being a point in the Southeasterly line of Rancho Mission Viejo or La Paz, according to U. S. Government Survey;

110. thence Northeasterly along said Southeasterly line to the township line between Township 7 South and Township 8 South, S B.M., to a point in the boundary of Rancho Santa Rosa, according to U. S. Government Survey;

111. thence Southwesterly and Southeasterly along said Rancho boundary to the township line between Township 8 South, Range 4 West, and Township 8 South, Range 3 West, S.B.M.;

112. thence Southerly along said township line to a point in the Second Standard Parallel South, S.B.M.;

113. thence Easterly along said parallel to the Northeasterly corner of said Section 36, Township 8½ South, Range 3 East, S B.M., and the point of beginning.

SEC. 3. Whenever in this act the following terms are used, they shall have the meaning respectively ascribed to them in this section unless the context in which they are used requires otherwise.

1. "Board" and "board of directors" means the Board of Directors of the San Diego County Flood Control District.

2. "County" means the County of San Diego

3. "District" means the San Diego County Flood Control District.

4. "Person" means and includes one or more individuals, associations or corporations, or any combination of these.

SEC. 4. Said district is hereby divided into six zones, which shall be numbered and denominated Zone 1, Zone 2, Zone 3, Zone 4, Zone 5, and Zone 6. Each of said zones represents a major drainage basin within the district, the territory of which shall be benefited by the carrying out of any of the objects and purposes of this act within such zone. Said zones shall consist of portions of the territory of the district, as follows:

(a) Zone 1: All that territory in the County of San Diego, State of California, included within the district and lying within the following described boundary: Beginning at the point of intersection of the Westerly boundary of the State of California as described in Article XXI of the Constitution of the State of California and the Westerly prolongation of the Northerly line of Pueblo Lot 1298, City of San Diego, James Pascoe Map as filed in the San Diego County Recorder's Office;

1. thence Easterly along said Westerly prolongation and said Northerly line of Pueblo Lot 1298 to a point of intersection with the center line of La Jolla Shores Drive as shown on Map 3014, Scripps Estates Associates Subdivision and Map 2756, La Jolla Cliffs Subdivision, both as filed in San Diego County Recorder's Office and San Diego City Engineer's drawings on file at the San Diego City Engineer's Office, San Diego, California

2. thence Northerly and Northeasterly along said center line of La Jolla Shores Drive to a point of intersection with the center line of Miramar Road, Road Survey 304 and Road Survey 1354 as filed in the San Diego County Surveyor's Office;

3. thence Northeasterly, Easterly and Southeasterly along said center line of Miramar Road to a point of intersection with the center line of XI-SD-77, California State Highway 395 as filed in the State Division of Highway's Office, San Diego, California;

4. thence Southerly along said center line of XI-SD-77 to a point of intersection with the North line of Section 8, Township 15 South, Range 2 West, S.B.M.;

5. thence Easterly along said North line of Section 8 to the Northeast corner thereof;

6. thence Northerly along the West line of Section 4, said township and range to the West Quarter corner of said Section 4;

7. thence Easterly along the East and West center line of Sections 4 and 3 of said township and range to the East Quarter corner of said Section 3;

8. thence Northerly along the East line of said Section 3 and the West line of Section 35, Township 14 South, Range 2 West, S B.M., to the West Quarter corner of said Section 35;

9. thence Easterly along the East and West center line of Sections 35 and 36, of said township and range and Section 31, Township 14 South, Range 1 West, S B.M., to the center of said Section 31;

10. thence Northerly along the North and South center line of Sections 31 and 30, said township and range to the center of said Section 30;

11. thence Easterly along the East and West center line of Sections 30 and 29, said township and range to the center of said Section 29;

12. thence Northerly along the North and South center line of said Section 29 to the North Quarter corner thereof;

13. thence Easterly along the North line of said Section 29 to the Northeast corner thereof;

14 thence Northerly along the West line of Section 21, said township and range to the West Quarter corner thereof;

15. thence Easterly along the East and West center line of Sections 21 and 22, said township and range to the center of said Section 22;

16. thence Northerly along the North and South center line of Sections 22 and 15, said township and range to the center of said section 15;

17. thence Easterly along the East and West center line of Sections 15 and 14, said township and range to the center of said Section 14;

18. thence Northerly along the North and South center line of Sections 14, 11 and 2, of said township and range to the North Quarter corner of said Section 2;

19. thence Westerly along the South line of Section 35, Township 13 South, Range 1 West, S.B.M., to the Southwest corner thereof;

20. thence Northerly along the West line of said Section 35 to the West Quarter corner thereof;

21. thence Easterly along the East and West center line of said Section 35 to the East Quarter corner thereof;

22. thence Northerly along the West line of Section 36, said township and range to the Northwest corner thereof;

23. thence Easterly along the North line of said Section 36 to a point of intersection with the Westerly boundary of Rancho Valle de Pamo Santa Maria, Book 1, page 164 of Patents as filed in the San Diego County Recorder's Office;

24. thence Southerly, Easterly and Northerly along said Rancho Santa Maria boundary to a point of intersection with the North line of fractional Section 25, Township 13 South, Range 1 East, S.B.M.;

25. thence Easterly along the North line of said fractional Section 25 to the Northeast corner thereof;

26. thence Northerly along the East line of Section 24, said township and range to a point of intersection with the Westerly line of Rancho Canada de San Vicente, Map 858 as filed in the San Diego County Recorder's Office;

27. thence Northwesterly and Southeasterly along said Westerly line to a point of intersection with the aforementioned East line of Section 24;

28. thence continuing Northerly along said East line to the Northeast corner of said Section 24;

29. thence Easterly along the North line of Sections 19, 20 and 21, Township 13 South, Range 2 East, S.B.M., to the Northeast corner of said Section 21;

30. thence Northerly along the West line of Section 15, said township and range to the West Quarter corner thereof;

31. thence Easterly along the East and West center line of Sections 15 and 14, said township and range to the East Quarter corner of said Section 14;

32. thence Northerly along the West line of Section 13, said township and range to the Northwest corner thereof;

33. thence Easterly along the North line of said Section 13 to the North Quarter corner thereof;

34. thence Northerly along the North and South center line of Section 12, said township and range to the North Quarter corner thereof;

35. thence Easterly along the North line of said Section 12 to the Southwest corner of Section 6, Township 13 South, Range 3 East, S.B.M.;

36. thence Northerly along the West line of said Section 6 to the West Quarter corner thereof;

37. thence Easterly along the East and West center line of Sections 6 and 5, said township and range to the East Quarter corner of said Section 5;

38. thence Northerly along the West line of Section 4, said township and range and Section 33, Township 12 South, Range 3 East, S.B.M., to the Northwest corner of said Section 33;

39. thence Easterly along the North line of said Section 33 to the Northeast corner thereof;

40. thence Northerly along the West line of Section 27, said township and range to a point of intersection with the most Southerly boundary of Rancho Santa Ysabel, Record of Survey Map No. 2681 as filed in the San Diego County Recorder's Office;

41. thence in a Northeasterly, Southerly, Easterly and Northeasterly direction along said most Southerly boundary to a point of intersection with the North line of Section 30, Township 12 South, Range 4 East, S.B.M.;

42. thence Easterly along said North line of Sections 30 and 29, of said township and range to the Northeast corner of said Section 29;

43. thence Northerly along the East line of Sections 20 and 17, of said township and range, to the Northeast corner of said Section 17;

44. thence Westerly along the North line of Section 17 to the North Quarter corner thereof;

45. thence Northerly along the North and South center line of Section 8, of said township and range, to the center of said Section 8;

46. thence Westerly along the East and West center line of said section to the West Quarter corner of said Section 8;

47. thence Northerly along the West line of Section 8, to the Northwest corner thereof;

48. thence Westerly along the North line of Section 7, of said township and range to the Northwest corner thereof;

49. thence Northerly and Northwesterly along the East line of Section 1, Township 12 South, Range 3 East, S.B.M., to the East Quarter corner of Section 1;

50. thence Westerly along the East and West center line of Sections 1, 2, 3 and 4 of said township and range to a point of intersection with the Northeasterly boundary of Rancho Santa Ysabel, according to Land Survey 116 as filed in the San Diego County Recorder's Office;

51. thence Northwesterly along said Rancho Santa Ysabel boundary to its intersection with the township line common to Township 11 South and Township 12 South, S.B.M.;

52. thence Westerly along said township line to an intersection with the range line between Range 2 and Range 3 East, S.B.M.;

53. thence Northerly along said range line to the Southeast corner of said Section 25, Township 11 South, Range 2 East, S.B.M.;

54. thence Westerly along the South line of said Section 25 to the South Quarter corner of said Section 25;

55. thence Northerly along the North and South center line of said Section 25 to the center of said Section 25;

56. thence Westerly along the East and West center line of Sections 25 and 26, said township and range, to the center of said Section 26;

57. thence Northerly along the North and South center line of Sections 26 and 23, said township and range, to the center of said Section 23;

58. thence Westerly along the East and West center line of said Section 23 to the West Quarter corner thereof;

59. thence Northerly along the East line of Section 22, said township and range, to the Northeast corner of said Section 22;

60. thence Westerly along the North line of said Section 22 to the Northwest corner thereof;

61. thence Northerly along the East line of Section 16, said township and range, to the Northeast corner of said Section 16;

62. thence Westerly along the North line of said Section 16 to the Northwest corner thereof;

63. thence Southerly along the East line of Section 17, said township and range, to the East Quarter corner of said section;

64. thence Westerly along the East and West center line of said Section 17 to the West Quarter corner thereof;

65. thence Northerly along the East line of Section 18, said township and range, to the Northeast corner of said Section 18;

66. thence Westerly along the North line of said Section 18 to the North Quarter corner thereof;

67. thence Northerly along the North and South center line of Section 7, said township and range, to the center of said section;

68. thence Westerly along the East and West center line of said Section 7 and Section 12, Township 11 South, Range 1 East, S.B.M., to the center of said Section 12;

69. thence Northerly along the North and South center line of said Section 12 to the North Quarter corner thereof;

70. thence Westerly along the North line of Sections 12 and 11, said township and range, to a point of intersection with the Northeasterly boundary of Rancho Guejito, as shown on Government Survey as approved June 16, 1885, by the U. S Surveyor General's Office, San Francisco, California;

71 thence Southeasterly and Southerly along said boundary to a point of intersection with the East and West center line of said Section 11;

72 thence Westerly in a straight line to the center of Section 8, said township and range;

73 thence Southerly along the North and South center line of said Section 8 to a point of intersection with the Northwesterly boundary of said Rancho Guejito;

74. thence Southwesterly along said Northwesterly boundary to a point of intersection with the South line of Section 18, said township and range;

75 thence Westerly along the South line of said Section 18 and the North line of Section 24, Township 11 South, Range 1 West, S B.M., to the Northwest corner of said Section 24;

76. thence Southerly along the East line of Section 23, said township and range, to the East Quarter corner of said section;

77. thence Westerly along the East and West center line of said Section 23 to the center thereof;

78. thence Southerly along the North and South center line of said Section 23 to the South Quarter corner of said Section 23, being also the North Quarter corner of Section 26 of said township and range;

79. thence Westerly along the North line of Sections 26, 27, 28, 29 and 30, said township and range, to the Northeasterly corner of Section 25, Township 11 South, Range 2 West, S B.M.;

80. thence Westerly along the Northerly line of said Section 25 to an intersection with the Southerly line of Sherwood Heights Unit No. 1, Map No. 3846 as filed in the San Diego County Recorder's Office;

81. thence Southwesterly and Northwesterly along the boundary of said map to a point of intersection with the South line of Section 24, Township 11 South, Range 2 West, S.B.M ;

82. thence continuing Westerly along said South line to the South Quarter corner of said Section 24;

83. thence North 43°16'50" West, 3567.84 feet to the West Quarter corner of said Section 24;

84. thence Westerly along the East and West center line of Section 23, said township and range, to the West Quarter corner of said Section 23;

85. thence Northerly along the East line of Section 22, said township and range, to the Northeast corner of said section;

86. thence Westerly along the North line of said Section 22 to the North Quarter corner thereof;

87. thence Northerly along the North and South center line of Section 15, said township and range, to the center of said section;

88. thence Westerly along the East and West center line of Sections 15 and 16, said township and range, to the West Quarter corner of said Section 16;

89. thence Southerly along the West line of said Section 16 to the Southwest corner thereof;

90. thence Westerly along the North line of Section 20, said township and range, to an intersection with the center line of Road Survey No. 603, as filed in the San Diego County Surveyor's Office;

91. thence Southwesterly and Westerly along said center line of Road Survey No. 603 to a point of intersection with the center line of XI-SD-77F, California State Highway 395, as filed in the State Division of Highway's Office, San Diego, California;

92. thence Northerly along said center line of Highway 395 to a point of intersection with the North line of Section 19, said township and range;

93. thence Westerly along said North line of Section 19 to the Northwest corner of said Section 19;

94. thence Westerly along the North lines of Section 24 and 23, Township 11 South, Range 3 West, S.B.M., to the Northwest corner of said Section 23;

95. thence Southerly along the West line of said Section 23 and the East line of Section 27, said township and range, to a line which bears South 89°52'20" East from a point on the West line of the East half of the Southeast Quarter of the Southeast Quarter of said Section 27, said point distant thereon 437.00 feet Northerly from the Southeast corner of said East half;

96. thence South 89°52'20" East, 33.00 feet;

97. thence South 2°11'44" East, to a point in the North line of Road Survey No. 681 as filed in the San Diego County Surveyor's Office;

98. thence Westerly along said North line to the East line of said Section 27;

99. thence Southerly along the East line of said Section 27 and along the East line of said Section 34, said township and range, to the East Quarter corner of said Section 34;

100. thence South 89°21'35" East, 26 10 feet;

101. thence South 33°28' East, 200.00 feet;

102. thence South 63°10' East, 95 86 feet;

103 thence South 25°29' East, 151.58 feet;

104. thence South 19°02' East, 183.30 feet;

105. thence South 77°26' West, 139.30 feet;

106. thence North 77°58'03" West, to a point in the East line of said Section 34;

107. thence Southerly along said East line to the Northeast corner of Section 3, Township 12 South, Range 3 West, S.B.M.;

108. thence Westerly along the North line of said Section 3 to the North Quarter thereof;

109. thence Southerly along the North and South center line of said section to the South line of the North half of the North half of said section;

110. thence Westerly along said South line to the West line of said Section 3;

111. thence Southerly along the East line of Section 4, Township 12 South, Range 3 West, S.B.M., to a point of intersection with the Northeasterly line of Rancho Los Vallecitos de San Marcos, Map No. 806 as filed in the San Diego County Recorder's Office;

112. thence Northwesterly along said Northeasterly line of Rancho Vallecitos de San Marcos, to the Northeasterly corner of Rexford Vistas Unit No. 1, Map No. 4397 as filed in the San Diego County Recorder's Office;

113. thence Southwesterly along the Southeasterly line of said Rexford Vistas and its Southwesterly prolongation to a point of intersection with the center line of Mission Road 1-B, according to Plats thereof on file in the Surveyor's Office of said County;

114. thence Northwesterly along said center line to a point of intersection with the center line of "C" Street, now know as

Rancho Santa Fe Road, as shown on Road Survey No. 454 as filed in the San Diego County Surveyor's Office;

115. thence Southwesterly along said center line of Rancho Santa Fe Road to a point of intersection with the center line of Grand Avenue, as shown on said Map No. 806;

116. thence Northwesterly along the center line of said Grand Avenue to a point of intersection with the center line of Poinsetta Avenue, as shown on Road Survey Map No. 465, as filed in the San Diego County Surveyor's Office;

117. thence in a Southwesterly direction along the center line of said Poinsetta Avenue and Linda Vista Road, O.S. 128, as filed in the San Diego County Surveyor's Office, to a point of intersection with the center line of Road Survey No. 757 (Palomar Road) as filed in the San Diego County Surveyor's Office;

118. thence Westerly along said center line of Road Survey No. 757 to a point of intersection with the center line of Road Survey No. 682 (El Camino Real) as filed in the San Diego County Surveyor's Office;

119. thence Southerly along said center line of Road Survey No. 682 to a point of intersection with the South line of Rancho Agua Hedionda, Book 1, page 153 of Patents as filed in the San Diego County Recorder's Office;

120. thence Westerly along said South line to the East line of Fractional Section 21, Township 12 South, Range 4 West, S.B.M.;

121. thence Southerly along said East line to the Southeast corner of said Section 21;

122. thence Westerly along the Southerly line of said Section 21 and along the Southerly line of Fractional Section 20 of said township and range and along the Westerly prolongation thereof to a point in the Westerly boundary of the County of San Diego as described in Title 3, Division 1, Chapter 2, Article 2, of the Government Code of the State of California;

123. thence Southerly along said boundary to the point of beginning.

(b) Zone 2: All that territory in the County of San Diego, State of California, included within the district and lying within the following described boundary: Beginning at the point of intersection of the Westerly boundary of the State of California, as described in Article XXI of the Constitution of the State of California, and the Westerly prolongation of the Northerly line of Pueblo Lot 1298, City of San Diego, James Pascoe Map, as filed in the San Diego County Recorder's Office;

1. thence Easterly along said Westerly prolongation of said Northerly line of Pueblo Lot 1298 to a point of intersection with the center line of La Jolla Shores Drive, as shown on Map 3014, Scripps Estates Associates Subdivision, and Map 2756, La Jolla Cliffs Subdivision, both as filed in the San Diego County Recorder's Office and the San Diego City Engineer's

drawings on file at the San Diego City Engineer's Office, San Diego, California;

2. thence Northerly and Northeasterly along said center line of La Jolla Shores Drive to a point of intersection with the center line of Miramar Road, Road Survey 304 and Road Survey 1354, as filed in the San Diego County Surveyor's Office;

3. thence Northeasterly, Easterly and Southeasterly along said center line of Miramar Road to a point of intersection with the center line of XI-SD-77, California State Highway 395, as filed in the State Division of Highway's Office, San Diego, California;

4 thence Southerly along said center line of XI-SD-77 to a point of intersection with the North line of Section 8, Township 15 South, Range 2 West;

5. thence Easterly along said North line of Section 8 to the Northeast corner thereof;

6 thence Northerly along the West line of Section 4, said township and range, to the West Quarter corner of said Section 4;

7. thence Easterly along the East and West center lines of Sections 4 and 3, of said township and range, to the East Quarter corner of said Section 3;

8. thence Northerly along the East line of said Section 3 and the West line of Section 35, Township 14 South, Range 2 West, to the West Quarter corner of said Section 35;

9 thence Easterly along the East and West center lines of Sections 35 and 36, said township and range, and Section 31, Township 14 South, Range 1 West, to the center of said Section 31;

10. thence Northerly along the North and South center lines of Sections 31 and 30, said township and range, to the center of said Section 30;

11. thence Easterly along the East and West center lines of Sections 30 and 29, said township and range, to the center of said Section 29;

12. thence Northerly along the North and South center line of said Section 29 to the North Quarter corner thereof;

13. thence Easterly along the North line of said Section 29 to the Northeast corner thereof;

14. thence Northerly along the West line of Section 21, said township and range, to the West Quarter corner thereof;

15. thence Easterly along the East and West center lines of Sections 21 and 22, said township and range, to the center of said Section 22;

16. thence Northerly along the North and South center lines of Sections 22 and 15, said township and range, to the center of said Section 15;

17 thence Easterly along the East and West center lines of Sections 15 and 14, said township and range, to the center of said Section 14;

18. thence Northerly along the North and South center lines of Sections 14, 11, and 2, said township and range, to the North Quarter corner of said Section 2;

19. thence Westerly along the South line of Section 35, Township 13 South, Range 1 West, to the Southwest corner thereof;

20. thence Northerly along the West line of said Section 35 to the West Quarter corner thereof;

21. thence Easterly along the East and West center line of said Section 35 to the East Quarter corner thereof;

22 thence Northerly along the West line of Section 36, said township and range, to the Northwest corner thereof;

23. thence Easterly along the North line of said Section 36 to a point of intersection with the Westerly boundary of Rancho Valle de Pamo Santa Maria, Book 1, page 164, of Patents, as filed in the San Diego County Recorder's Office;

24. thence Southerly, Easterly and Northerly along said Rancho Santa Maria Boundary to a point of intersection with the North line of fractional Section 25, Township 13 South, Range 1 East, S B.M.;

25. thence Easterly along the North line of said fractional Section 25 to the Northeast corner thereof;

26. thence Northerly along the East line of Section 24, said township and range, to a point of intersection with the Westerly line of Rancho Canada de San Vicente, Map 858, as filed in the San Diego County Recorder's Office;

27. thence Northwesterly and Southeasterly along said Westerly line to a point of intersection with the aforementioned East line of Section 24;

28. thence continuing Northerly along said East line to the Northeast corner of said Section 24;

29. thence Easterly along the North line of Sections 19, 20, and 21, Township 13 South, Range 2 East, S B.M. to the Northeast corner of said Section 21;

30. thence Northerly along the West line of Section 15, said township and range, to the West Quarter corner thereof;

31. thence Easterly along the East and West center lines of Sections 15 and 14, said township and range, to the East Quarter corner of said Section 14;

32. thence Northerly along the West line of Section 13, said township and range, to the Northwest corner thereof;

33. thence Easterly along the North line of said Section 13 to the North Quarter corner thereof;

34. thence Northerly along the North and South center line of Section 12, said township and range, to the North Quarter corner thereof;

35. thence Easterly along the North line of said Section 12 to the Southwest corner of Section 6, Township 13 South, Range 3 East, S B.M.

36. thence Northerly along the West line of said Section 6 to the West Quarter corner thereof;

37. thence Easterly along the East and West center lines of Sections 6 and 5, said township and range, to the East Quarter corner of said Section 5;

38. thence Northerly along the West line of Section 4, said township and range, and Section 33, Township 12 South, Range 3 East, S B.M. to the Northwest corner of said Section 33;

39. thence Easterly along the North line of said Section 33 to the Northeast corner thereof;

40. thence Northerly along the West line of Section 27, said township and range, to a point of intersection with the most Southerly boundary of Rancho Santa Ysabel, Record of Survey Map No. 2681, as filed in the San Diego County Recorder's Office;

41. thence in a Northeasterly, Southerly, Easterly, and Northeasterly direction along said most Southerly boundary to a point of intersection with the North line of Section 30, Township 12 South, Range 4 East;

42. thence Easterly along said North line of Section 30 to a point of intersection with the center line of Road Survey No. 296, as filed in the San Diego County Surveyor's Office;

43. thence Southerly along said center line of Road Survey No. 296, to a point of intersection with the center line of Road Survey 819, as filed in the San Diego County Surveyor's Office;

44. thence Southerly along said center line of Road Survey 819, to a point of intersection with the East and West center line of Section 31, said township and range;

45. thence Easterly along said East and West center line of Section 31 to the East Quarter corner thereof;

46. thence Southerly along the East line of said Section 31 to the Southeast corner thereof;

47. thence Easterly along the North line of Section 5, Township 13 South, Range 4 East, to the North Quarter corner thereof;

48. thence Southerly along the North and South center line of said Section 5 to a point of intersection with the center line of XI-SD-78-A, -B, California State Highway 79, as filed in the State Division of Highways' Office, San Diego, California;

49. thence in a Southeasterly direction along the center line of said Highway 79 to a point of intersection with the East and West center line of Section 15, Township 13 South, Range 4 East, S.B.M.;

50. thence Easterly along said East and West center line to the East Quarter corner of said Section 15;

51. thence Southerly along the East line of Sections 15 and 22, said township and range, to a point of intersection with the Northerly boundary of Rancho Cuyamaca, Book 43, page 309, of Patents, as filed in the San Diego County Recorder's Office;

52. thence Northeasterly and Southeasterly along said boundary of Rancho Cuyamaca to a point of intersection with

the South line of fractional Section 1, Township 14 South, Range 4 East, S.B.M.;

53. thence Westerly 2790.48 feet along the North line of Lot "H" of said Rancho Cuyamaca to the Northwest corner of said Lot "H";

54. thence in a straight line in a Southwesterly direction to a point on the Westerly boundary of said Rancho Cuyamaca common to fractional Sections 18 and 19, Township 14 South, Range 4 East, S.B.M.;

55. thence Southerly along said Westerly boundary of Rancho Cuyamaca to a point of intersection with the section line common to fractional Sections 6 and 7, Township 15 South, Range 4 East, S.B.M.;

56. thence Westerly along said common section line and the North line of Section 12, Township 15 South, Range 3 East, S.B.M. to the North Quarter corner of said Section 12;

57. thence Southerly along the North and South center line of said Section 12 to the South Quarter corner thereof;

58. thence Westerly along the Southerly line of said Section 12 to the Southwest corner thereof;

59. thence Southerly along the West lines of Sections 13 and 24, said township and range, to the West Quarter corner of said Section 24;

60. thence Westerly along the East and West center line of Section 23, said township and range, to the center thereof;

61. thence Northerly along the North and South center lines of Sections 23 and 14, said township and range, to the center of said Section 14;

62. thence Westerly along the East and West center line of said Section 14 to the West Quarter corner thereof;

63. thence Northerly along the West line of said Section 14 to the Northwest corner thereof;

64 thence Westerly along the North line of Section 15, said township and range, to the Northwest corner thereof;

65. thence Southerly along the West line of said Section 15 to the West Quarter corner thereof;

66. thence Westerly along the East and West center lines of Sections 16, 17, and 18, said township and range, to the West Quarter corner of said Section 18;

67. thence Southerly along the West line of said Section 18 to the Southwest corner thereof;

68. thence Westerly along the North line of Section 24, Township 15 South, Range 2 East, S.B.M. to the North Quarter corner thereof;

69. thence Southerly along the North and South center line of said Section 24 to the center thereof;

70. thence Westerly along the East and West center lines of Sections 24 and 23, said township and range, to the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 23;

71. thence Southerly along the West line of said Northeast Quarter of the Southeast Quarter to the Northwest corner of

the Southeast Quarter of the Southeast Quarter of said Section 23;

72. thence Westerly along the North line of the Southwest Quarter of the Southeast Quarter of said Section 23 to the Northwest corner thereof;

73. thence Southerly along the North and South center lines of Sections 23 and 26, said township and range, to the South Quarter corner of said Section 26;

74. thence Westerly along the South lines of Sections 26 and 27, said township and range, to the South Quarter corner of said Section 27;

75. thence Southerly along the North and South center line of Section 34, said township and range, to the center thereof;

76. thence Westerly along the East and West center line of said Section 34 to the West Quarter corner thereof;

77. thence Southerly along the West line of said Section 34 to a point of intersection with the center line of Road Survey No. 582, as filed in the San Diego County Surveyor's Office;

78. thence Westerly along the center line of said Road Survey No. 582 and the center line of Road Survey No. 628, as filed in the San Diego County Surveyor's Office, to a point of intersection with the Southerly line of Section 33, Township 15 South, Range 2 East, S.B.M.;

79. thence Westerly along said South line of Sections 33 and 32, said township and range, to the South Quarter corner of said Section 32;

80. thence Northerly along the North and South center lines of said Section 32 to the North Quarter corner thereof;

81. thence Westerly along the North line of Sections 32 and 31, said township and range, to the North Quarter corner of said Section 31;

82. thence Northerly along the North and South center lines of Sections 30 and 19, said township and range, to the center of said Section 19;

83. thence Westerly along the East and West center line of said Section 19 to a point of intersection with the Southeasterly boundary of Rancho El Cajon, Map 278, as filed in the San Diego County Recorder's Office;

84. thence Southwesterly along said Rancho boundary to a point of intersection with the South line of fractional Section 26, Township 15 South, Range 1 East, S.B.M.;

85. thence Easterly along said South line of fractional Section 26 to the North Quarter corner of fractional Section 35, said township and range;

86. thence Southerly along the North and South center line of said fractional Section 35 to a point of intersection with the center line of Road Survey No. 1235, as filed in the San Diego County Surveyor's Office;

87. thence Southwesterly along the center line of said Road Survey No. 1235, Road Survey No. 1236, and Road Survey No. 989, as filed in the San Diego County Surveyor's Office,

to a point of intersection with the center line of Road Survey No. 435, as filed in the San Diego County Surveyor's Office;

88. thence Westerly and Southwesterly along said center line of Road Survey No. 435 to a point of intersection with the Southeasterly boundary of said Rancho El Cajon;

89. thence Southwesterly along said Southeasterly boundary of Rancho El Cajon to the West line of Section 9, Township 16 South, Range 1 East, S.B.M.;

90. thence Southerly along the West line of Sections 9 and 16, said township and range, to the Southwest corner of said Section 16;

91. thence Westerly along the South line of Sections 17 and 18, said township and range, to the Southwest corner of said Section 18, said corner being also a point on the center line of Jamacha Road, Road Survey No. 405, as filed in the San Diego County Surveyor's Office;

92. thence Southerly along the center line of said Jamacha Road to a point of intersection with the center line of Chase Avenue, Road Survey No. 440, as filed in the San Diego County Surveyor's Office;

93. thence in a Westerly direction along said center line of Road Survey No. 440 to a point of intersection with the center line of Fuerte Drive, Road Survey No. 1711, as filed in the San Diego County Surveyor's Office;

94. thence Westerly, Southerly, and Westerly along said center line of Fuerte Drive as per Road Survey Nos. 1711 and 694 and in a Northwesterly direction along Road Survey Nos. 563 and 508, all filed in the San Diego County Surveyor's Office, to a point of intersection with U. S. Highway 80 center line, said Highway also being known as El Cajon Blvd., XI-SD-12-La Mesa, filed in the State Division of Highways' Office at San Diego, California;

95. thence Southwesterly along said Highway center line as per State Highway Map XI-SD-12-La Mesa and continuing along El Cajon Blvd. center line in a Westerly direction through those portions of said Blvd. as relinquished to the City of La Mesa by the State of California, Document No. 97642, Official Records, Book 5312, page 87, and through those portions of said Blvd. as relinquished to the City of San Diego by the State of California, Document No. 97643, Official Records, Book 5312, page 89, both documents being filed in the San Diego County Recorder's Office, to a point of intersection with the center line of 30th Street, in the City of San Diego, as per City Engineer's maps filed in the San Diego City Engineer's Office;

96. thence Southerly along the center line of said 30th Street to a point of intersection with the center line of Commercial Street, as filed in the San Diego City Engineer's Office;

97. thence Westerly along said center line of Commercial Street to a point of intersection with the center line of 28th

Street as shown on said Engineer's map filed in the San Diego City Engineer's Office;

98. thence Southerly along said center line of 28th Street to a point of intersection with the center line of Sampson Street as shown on maps in the San Diego City Engineer's Office;

99. thence Southwesterly along the center line of said Sampson Street and the Southwesterly prolongation thereof to a point of intersection with the Easterly boundary of the City of Coronado;

100. thence in a Westerly direction along said Easterly boundary and continuing Westerly along the Boundary of the City of San Diego to the said Westerly Boundary of the State of California;

101. thence Northerly along said Westerly boundary to the point of beginning.

(c) Zone 3: All that territory in the County of San Diego, State of California, included within the district and lying within the following described boundary: Beginning at the point of intersection of the South line of fractional Section 1, Township 14 South, Range 4 East, S.B.M. and the East line of Rancho Cuyamaca, Book 43, Page 309 of Patents as filed in the San Diego County Recorder's Office, said point being the most Easterly point of Zone 3 as previously described;

1. thence Westerly 2790.48 feet along the North line of Lot "H" of said Rancho Cuyamaca to the Northwest corner of said Lot "H";

2. thence in a straight line in a Southwesterly direction to a point on the Westerly boundary of said Rancho Cuyamaca, common to fractional Sections 18 and 19, Township 14 South, Range 4 East, S.B.M.;

3. thence Southerly along said Westerly boundary of Rancho Cuyamaca to a point of intersection with the section line common to fractional Sections 6 and 7, Township 15 South, Range 4 East, S.B.M.;

4. thence Westerly along said common section line and the North line of Section 12, Township 15 South, Range 3 East, S.B.M., to the North Quarter corner of said Section 12;

5. thence Southerly along the North and South center line of said Section 12 to the South Quarter corner thereof;

6. thence Westerly along the Southerly line of said Section 12 to the Southwest corner thereof;

7. thence Southerly along the West lines of Sections 13 and 24, said township and range, to the West Quarter corner of said Section 24;

8. thence Westerly along the East and West center line of Section 23, said township and range, to the center thereof;

9. thence Northerly along the North and South center lines of Sections 23 and 14, said township and range, to the center of said Section 14;

10. thence Westerly along the East and West center line of said Section 14 to the West Quarter corner thereof;

11. thence Northerly along the West line of said Section 14 to the Northwest corner thereof;

12. thence Westerly along the North line of Section 15, said township and range, to the Northwest corner thereof;

13. thence Southerly along the West line of said Section 15 to the West Quarter corner thereof;

14. thence Westerly along the East and West center lines of Sections 16, 17, and 18, said township and range, to the West Quarter corner of said Section 18;

15. thence Southerly along the West line of said Section 18 to the Southwest corner thereof;

16. thence Westerly along the North line of Section 24, Township 15 South, Range 2 East, S.B.M., to the North Quarter corner thereof;

17. thence Southerly along the North and South center line of said Section 24 to the center thereof;

18. thence Westerly along the East and West center line of Sections 24 and 23, said township and range, to the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 23;

19. thence Southerly along the West line of said Northeast Quarter of the Southeast Quarter to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section 23;

20. thence Westerly along the North line of the Southwest Quarter of the Southeast Quarter of said Section 23 to the Northwest corner thereof;

21. thence Southerly along the North and South center lines of Sections 23 and 26, said township and range, to the South Quarter corner of said Section 26;

22. thence Westerly along the South line of Sections 26 and 27, said township and range, to the South Quarter corner of said Section 27;

23. thence Southerly along the North and South center line of Section 34, said township and range, to the center thereof;

24. thence Westerly along the East and West center line of said Section 34 to the West Quarter corner thereof;

25. thence Southerly along the West line of said Section 34 to a point of intersection with the center line of Road Survey No. 582, as filed in the San Diego County Surveyor's Office;

26. thence Westerly along the center line of said Road Survey No. 582 and the center line of Road Survey No. 628, as filed in the San Diego County Surveyor's Office, to a point of intersection with the Southerly line of Section 33, Township 15 South, Range 2 East, S B.M.;

27. thence Westerly along said South line of Sections 33 and 32, said township and range, to the South Quarter corner of said Section 32;

28. thence Northerly along the North and South center line of said Section 32 to the North Quarter corner thereof;

29. thence Westerly along the North line of Sections 32 and 31, said township and range, to the North Quarter corner of said Section 31;

30. thence Northerly along the North and South center lines of Sections 30 and 19, said township and range, to the center of said Section 19;

31. thence Westerly along the East and West center line of said Section 19 to a point of intersection with the Southeasterly boundary of Rancho El Cajon, Map 278, as filed in the San Diego County Recorder's Office;

32. thence Southwesterly along said Rancho boundary to a point of intersection with the South line of fractional Section 26, Township 15 South, Range 1 East, S.B.M.;

33. thence Easterly along said South line of fractional Section 26 to the North Quarter corner of fractional Section 35, said township and range;

34. thence Southerly along the North and South center line of said fractional Section 35 to a point of intersection with the center line of Road Survey No. 1235, as filed in the San Diego County Surveyor's Office;

35. thence Southwesterly along the center line of said Road Survey No. 1235, Road Survey No. 1236 and Road Survey No. 989, as filed in the San Diego County Surveyor's Office, to a point of intersection with the center line of Road Survey No. 435, as filed in the San Diego County Surveyor's Office;

36. thence Westerly and Southwesterly along said center line of Road Survey No. 435 to a point of intersection with the Southeasterly boundary of said Rancho El Cajon;

37. thence Southwesterly along said Southeasterly boundary of Rancho El Cajon to the West line of Section 9, Township 16 South, Range 1 East, S.B.M.;

38. thence Southerly along the West line of Sections 9 and 16, said township and range, to the Southwest corner of said Section 16;

39. thence Westerly along the South line of Sections 17 and 18, said township and range, to the Southwest corner of said Section 18, said corner being also a point on the center line of Jamacha Road, Road Survey No. 405, as filed in the San Diego County Surveyor's Office;

40. thence Southerly along the center line of said Jamacha Road to a point of intersection with the center line of Chase Avenue, Road Survey No. 440, as filed in the San Diego County Surveyor's Office;

41. thence in a Westerly direction along said center line of Road Survey No. 440 to a point of intersection with the center line of Fuerte Drive, Road Survey No. 1711, as filed in the San Diego County Surveyor's Office;

42. thence Westerly, Southerly and Westerly along said center line of Fuerte Drive, as per Road Survey Nos. 1711 and 694, in a Northwesterly direction along Road Survey Nos. 563 and 508, all filed in the San Diego County Surveyor's

Office, to a point of intersection with U. S. Highway 80 center line, said Highway also being known as El Cajon Blvd.; XI-SD-12-La Mesa, filed in the State Division of Highways Office at San Diego, California;

43. thence Southwesterly along said Highway center line as per State Highway Map XI-SD-12-La Mesa and continuing along El Cajon Blvd. center line in a Westerly direction through those portions of said Blvd. as relinquished to the City of La Mesa by the State of California; Document No. 97642, Official Record Book 5312, page 87, and through those portions of said Blvd. as relinquished to the City of San Diego by the State of California, Document No. 97643, Official Record Book 5312, page 89, both documents being filed in the San Diego County Recorder's Office, to the point of intersection with the center line of 30th Street, in the City of San Diego, as per City Engineer Maps filed in the San Diego City Engineer's Office;

44. thence Southerly along the center line of said 30th Street to a point of intersection with the center line of Commercial Street as per maps filed in the San Diego City Engineer's Office;

45. thence Westerly along said center line of Commercial Street, to a point of intersection with the center line of 28th Street, as shown on said Engineer's Maps filed in the San Diego City Engineer's Office;

46. thence Southerly along said center line of 28th Street to a point of intersection with the center line of Sampson Street as shown on maps in the San Diego City Engineer's Office;

47. thence Southwesterly along the center line of said Sampson Street and the Southwesterly prolongation thereof to a point of intersection with the Easterly boundary of the City of Coronado;

48. thence Southeasterly and Southerly along said Easterly boundary to a point of intersection with the Westerly prolongation of the Southerly boundary of Rancho de la Nacion, Map 166, as filed in the San Diego County Recorder's Office;

49. thence Easterly along said Westerly prolongation and the Southerly boundary of Rancho de la Nacion to a point of intersection with the center line of Road Survey No. 1511 as filed in the San Diego County Surveyor's Office, also known as National Avenue;

50. thence Northerly along said center line of Road Survey No. 1511 to a point of intersection with the center line of Palomar Street, Official Survey No. 179 as filed in the San Diego County Surveyor's Office;

51. thence Easterly along said center line of Palomar Street to a point of intersection with Road Survey No. 1554 as filed in the San Diego County Surveyor's Office, also known as 3rd Avenue;

52. thence Northerly along said center line of Road Survey No. 1554 to a point of intersection with the center line of Road

Survey No. 1335 as filed in the San Diego County Surveyor's Office;

53. thence Easterly along said center line of Road Survey No. 1335 to a point of intersection with the East Quarter corner of Quarter Section 120 of said Map 166;

54. thence Northerly along the East lines of Quarter Sections 120 and 121 of said Map 166 to a point of Intersection with the center line of "L" Street in the City of Chula Vista, as shown on Map 3163 as filed in the San Diego County Recorder's Office;

55. thence Easterly along said center line of "L" Street to the Easterly line of Quarter Section 114, said Map 166;

56. thence Southerly along the Easterly line of said Quarter Section 114 to the Northwest corner of Quarter Section 94, said Map 166;

57. thence Easterly along the North lines of Quarter Sections 94 and 89 of said Map 166 to the Northeast corner of said Quarter Section 89;

58. thence Southerly along the Easterly line of Quarter Section 89 to the Northwest corner of Quarter Section 67, said Map 166;

59. thence Easterly along the Northerly line of said Quarter Section 67 to the Northwest corner of Quarter Section 64, said Map 166;

60. thence Southerly along the Westerly line of said Quarter Section 64 to the Southwest corner thereof;

61. thence Easterly along the Southerly lines of Quarter Sections 64, 41, 38, and 15 of said Map 166 to the Southeast corner of said Quarter Section 15;

62. thence Northerly along the Westerly line of Quarter Section 12, said Map 166 to the Northwest corner thereof;

63. thence Easterly along the North line of said Quarter Section 12 to the Northeast corner thereof, said Northeast corner being also a point on the Easterly boundary of said Rancho de la Nacion;

64. thence along said Easterly boundary to a point of intersection with the East and West center line of fractional Section 4, Township 18 South, Range 1 West, S.B.M.;

65. thence Easterly along the East and West center lines of Sections 4 and 3, said township and range, to the center of said Section 3;

66. thence Northerly along the North and South center line of said Section 3 to the North Quarter corner thereof;

67. thence Easterly along the North line of said Section 3 to the Southeast corner of Section 34, Township 17 South, Range 1 West, S.B.M.;

68. thence Northerly along the East lines of Sections 34 and 27, said township and range to the Southwest corner of Section 23, said township and range;

69. thence Easterly along the South line of said Section 23 to the South Quarter corner thereof;

70. thence Northerly along the North and South center line of said Section 23 to the North Quarter corner thereof;

71. thence Easterly along the North line of said Section 23 to the Southwest corner of Section 13, said township and range;

72. thence Northerly along the West line of said Section 13 to the West Quarter corner thereof;

73. thence Easterly along the East and West center line of said Section 13 to the East line of the West Half of the Northwest Quarter;

74. thence Northerly along said East line to the North line of said Section 13;

75. thence Easterly along said North line to the Northeast corner of said Section 13, said point being on the S.B.M.;

76. thence Northerly along said Meridian to the West Quarter corner of Section 7, Township 17 South, Range 1 East, S.B.M.;

77. thence Easterly along the East and West center line of said Section 7 to the center thereof;

78. thence Northerly along the North and South center line of said Section 7 to the North Quarter corner thereof;

79. thence Easterly along the North lines of Sections 7, 8, 9, and 10, said township and range, to the North Quarter corner of said Section 10;

80. thence Northerly along the North and South center line of Section 3, said township and range, to the center thereof;

81. thence Easterly along the East and West center line of said Section 3 to the East Quarter corner thereof;

82. thence Northerly along the East line of said Section 3 and the West line of Section 35, Township 16 South, Range 1 East, S.B.M. to the West Quarter corner of said Section 35;

83. thence Easterly along the East and West center line to the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 35;

84. thence Northerly along the West line of said Southeast Quarter of the Northwest Quarter to the Northwest corner thereof;

85. thence Easterly along the North line of said Southeast Quarter of the Northwest Quarter to the Northeast corner thereof;

86. thence Southerly along the North and South center line of said Section 35 to the center thereof;

87. thence Easterly along the East and West centerlines of Sections 35 and 36, said township and range, to the center of said Section 36;

88. thence Southerly along the North and South center line of said Section 36 to the South Quarter corner thereof, said corner being on the township line common to Townships 16 South and 17 South;

89. thence Easterly along said common township line approximately 6.5 miles to the Southeast corner of Township 16 South, Range 2 East, S.B M ;

90. thence Northerly along the West line of Section 31, Township 16 South, Range 3 East, S.B.M., to the West Quarter corner thereof;

91. thence Easterly along the East and West center line of said Section 31 to the East Quarter corner thereof;

92. thence Northerly along the East line of said Section 31 to the Northeast corner thereof;

93. thence Easterly along the North lines of Sections 32 and 33, said township and range, to the Northeast corner of said Section 33;

94. thence Northerly along the West lines of Sections 27 and 22, said township and range, to the West Quarter corner of said Section 22;

95. thence Easterly along the East and West center line of said Section 22 to the center thereof;

96. thence Northerly along the North and South center line of said Section 22 to the North Quarter corner thereof;

97. thence Easterly along the North line of said Section 22 to the Northeast corner thereof;

98. thence Northerly along the West lines of Sections 14 and 11, said township and range, to the Northwest corner of said Section 11;

99. thence Easterly along the South line of Section 2, said township and range, to the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 2;

100. thence Northerly along the West line of said Southeast Quarter of the Southwest Quarter to the Northwest corner thereof;

101. thence Easterly along the North line of said Southeast Quarter of the Southwest Quarter to the Northeast corner thereof;

102. thence Northerly along the North and South center line of said Section 2 to the North Quarter corner thereof;

103. thence Easterly along the North line of said Section 2 to the Northeast corner thereof;

104. thence Northerly along the West line of Section 36, Township 15 South, Range 3 East, to the Northwest corner thereof;

105. thence Easterly along the North line of said Section 36 to the North Quarter corner thereof;

106. thence Southerly along the North and South center line of said Section 36 to the center thereof;

107. thence Easterly along the East and West center line of said Section 36 to the East Quarter corner thereof; said point being on the range line common to Ranges 3 East and 4 East;

108. thence Northerly along said common range line to the Northwest corner of Tract 53, U. S. Government Survey, being also the Southwest corner of Tract 54;

109. thence Easterly, Southerly and Easterly along the boundary of said Tract 54 to the Southeast corner of Tract 54, said U. S. Government Survey, being also the Southwest corner of Tract 55, said U. S. Government Survey;

110. thence Northerly, Easterly and Southerly along the boundary of said Tract 55 to point of intersection with the North line of Tract 56 of said U. S. Government Survey;

111. thence Easterly along the North line of said Tract 56 to the Northeast corner thereof;

112. thence Southerly, Easterly and Southerly along the boundary of Tract 59, said U. S. Government Survey, to the most Southerly corner of said Tract 59.

113. thence Easterly along the South line of said Tract 59 and Tract 60, said U. S. Government Survey, to the Southeast corner of said Tract 60;

114. thence Northerly along the East line of said Tract 60 to the Northeast corner thereof;

115. thence Easterly, Northerly and Westerly along the boundary of Tract 50, said U. S. Government Survey, to a point of intersection with the North and South center line of fractional Section 28, Township 15 South, Range 4 East, S.B.M.;

116. thence Northerly along said North and South center line of fractional Section 28 to the center thereof;

117. thence Easterly along the East and West center lines of Sections 28 and 27, said township and range, to the East Quarter corner of said Section 27;

118. thence Northerly along the West lines of Sections 26 and 23, said township and range, to the West Quarter corner of said Section 23;

119. thence Easterly along the East and West center line of said Section 23 to the center thereof;

120. thence Northerly along the North and South center lines of Sections 23, 14 and fractional Section 11, said township and range, to the Northeast corner of Lot 5, said fractional Section 11;

121. thence Easterly along the boundary of Tract 40 of said township and range to an angle point therein being, a point distant 1146.42 feet from the Northwest corner of said Lot 5;

122. thence Northerly 1242.12 feet along said boundary of Tract 40 to an angle point therein;

123. thence West 1488.96 feet along said boundary of Tract 40 to a point of intersection with the Easterly line of said Rancho Cuyamaca;

124. thence Northeasterly, Easterly and Northeasterly along said Easterly boundary to a point of intersection with the East and West center line of fractional Section 30, Township 14 South, Range 5 East; S.B.M.;

125. thence Easterly along the East and West center line of fractional Section 30, Sections 29 and 28, to a point of intersection with the center line of Road Survey No. 478, Sunrise Highway, as filed in the San Diego County Surveyor's Office;

126. thence Northwesterly along said center line of Road Survey No. 478 to a point of intersection with said Easterly boundary of Rancho Cuyamaca;

127. thence Northwesterly along said Easterly boundary to the South line of fractional Section 1, Township 14 South, Range 4 East, S.B.M. and the point of beginning.

(d) Zone 4: All that territory in the County of San Diego, State of California, included within the district and lying within the following described boundary: Beginning at the Southwest corner of the State of California as described in Article XXI of the Constitution of the State of California;

1. thence Easterly along the international boundary between the United States and Mexico, approximately 53 miles to a point of intersection with the East line of the West Half of Section 17, Township 18, South, Range 7 East, S.B.M.;

2. thence Northerly along said East line to the Northeast corner of said West Half;

3. thence Westerly along the South line of Section 8, said township and range, to the Southwest corner thereof;

4. thence Northerly along the West line of said Section 8 to the Northwest corner thereof;

5. thence Westerly along the South line of Section 6, said township and range, to the South Quarter corner thereof;

6. thence Northerly along the North and South center line of said Section 6 to the center thereof;

7. thence Westerly along the East and West center line of said Section 6 to the West Quarter corner thereof, said West Quarter corner being on the common range line between Ranges 6 and 7, S.B.M.;

8. thence Northerly along said common range line to the Northeast corner of Section 25, Township 17 South, Range 6 East, S.B.M.;

9. thence Westerly along the South line of Section 24, said township and range, to the South Quarter corner thereof;

10. thence Northerly along the North and South center line of said Section 24 and the North and South center line of Section 13, said township and range, to the North Quarter corner of said Section 13;

11. thence Westerly along the South line of Section 12, said township and range, to the Southwest corner thereof;

12. thence Northerly along the East line of Section 11, said township and range, to the East Quarter corner thereof;

13. thence Westerly along the East and West center line of said Section 11 to the center thereof;

14. thence Northerly along the North and South center line of said Section 11 and the North and South center line of Section 2, said township and range, to the North Quarter corner of said Section 2;

15. thence Westerly along the South line of Section 35, Township 16 South, Range 6 East, S.B.M. to the Southwest corner thereof;

16. thence Northerly along the West line of said Section 35 and the East line of Section 27, Township 16 South, Range 6 East, S.B.M. to the East Quarter corner of said Section 27;

17. thence Westerly along the East and West center line of said Section 27 to the center thereof;

18. thence Northerly along the North and South center line of said Section 27 to the South Quarter corner of Section 22, said township and range;

19. thence Westerly along the South line of said Section 22 to the Southwest corner thereof;

20. thence Northerly along the West line of said Section 22 and the East line of Section 16, said township and range, to the Northeast corner of said Section 16;

21. thence Westerly along the South line of Section 9, said township and range, to the South Quarter corner thereof;

22. thence Northerly along the North and South center line of said Section 9 to the center thereof;

23. thence Easterly along the East and West center line of said Section 9 to the East Quarter corner thereof;

24. thence Northerly along the East line of said Section 9 and the East line of Section 4, said township and range, to the East Quarter corner of said Section 4;

25. thence Westerly along the East and West center line of said Section 4 to the center thereof;

26. thence Northerly along the North and South center line of said Section 4 and the North and South center line of Section 33, Township 15 South, Range 6 East, to the center of said Section 33;

27. thence Easterly along the East and West center line of said Section 33 to the East Quarter corner thereof;

28. thence Northerly along the East line of said Section 33 and the East line of Section 28, said township and range, to the East Quarter corner of said Section 28;

29. thence Westerly along the East and West center line of said Section 28 to the center thereof;

30. thence Northerly along the North and South center line of said Section 28 to the North Quarter corner thereof;

31. thence Westerly along the South line of Section 21, said township and range, to the Southwest corner thereof;

32. thence Northerly along the East line of Section 20, said township and range, to the East Quarter corner thereof;

33. thence Westerly along the East and West center line of said Section 20 to the center thereof;

34. thence Northerly along the North and South center line of said Section 20 and the North and South center line of Section 17, said township and range, to the center of said Section 17;

35. thence Westerly along the East and West center line of said Section 17 and the East and West center line of Section 18, said township and range, to the center of said Section 18;

36. thence Southerly along the North and South center line of said Section 18 to the South Quarter corner thereof;

37. thence Westerly along the South line of said Section 18 to the Southwest corner thereof;

38. thence Northerly along the West line of said Section 18 and the East line of Section 12, Township 15 South, Range 5 East, said line being the common range line between Ranges 5 and 6, to the Northeast corner of said Section 12;

39. thence Westerly along the South line of Section 1, Township 15 South, Range 5 East, to the South Quarter corner thereof;

40. thence Northerly along the North and South center line of said Section 1 to the center thereof;

41. thence Westerly along the East and West center line of said Section 1 and the East and West center line of Section 2, said township and range, to the center of said Section 2;

42. thence Southerly along the North and South center line of said Section 2 to the South Quarter corner thereof;

43. thence Westerly along the South line of said Section 2 and the South line of Section 3, said township and range, to the South Quarter corner of said Section 3;

44. thence Northerly along the North and South center line of said Section 3, and the North and South center lines of Sections 34 and 27, Township 14 South, Range 5 East, S.B.M. to the center of said Section 27;

45. thence Westerly along the East and West center line of said Section 27 and the East and West center lines of Sections 28, 29, and 30, said township and range, to a point of intersection with the Eastern Boundary of Rancho Cuyamaca, as filed in Book of Patents 43, Page 309, San Diego County Recorder's Office;

46. thence Southerly, Westerly and Southerly along said Eastern Boundary of said Rancho Cuyamaca to the Northerly line of Tract 40 of Township 15 South, Range 4 East, S.B.M.;

47. thence Easterly along said line 1488.96 feet to an angle point in the boundary of said Tract 40;

48. thence along said boundary of Tract 40 in a Southerly direction 1242.12 feet to an angle point therein;

49. thence Westerly along said boundary of Tract 40 to the point of intersection with the North and South center line of said section;

50. thence Southerly along the North and South center line of said Section 11 and the North and South center lines of Sections 14 and 23, of said township and range, to the center of said Section 23;

51. thence Westerly along the East and West center line of said Section 23 to the West Quarter corner thereof;

52. thence Southerly along the East lines of Sections 22 and 27, said township and range, to the East Quarter corner of said Section 27;

53 thence Westerly along the East and West center line of said Section 27 and of fractional Section 28, of said township and range, to the center of said fractional Section 28;

54. thence Southerly along the North and South center line of said fractional section to the North Boundary of Tract 50, as per Government Survey;

55. thence Easterly, Southerly and Westerly along said tract boundary to the Northeast corner of Tract 60 as per said survey;

56. thence Southerly along the East Boundary of said tract to the Southeast corner thereof;

57. thence Westerly along the South Boundary of said tract to the Southwest corner of said tract, which is also the Southeast corner of Tract 59, of said survey;

58. thence Westerly, Northerly, and Westerly along the Boundary of said Tract 59 to the West Boundary thereof;

59. thence Northerly along the West Boundary of said tract to the Northeast corner of Tract 56 of said survey;

60. thence Westerly along the North Boundary of said tract to a point of intersection with the East Boundary of Tract 55, of said survey;

61 thence Northerly, Westerly, and Southerly along said tract boundary to the Southwest corner thereof, being also the Southeast corner of Tract 54 of said Government Survey;

62. thence Westerly, Northerly and Westerly along said tract boundary to the most Westerly Southwest corner of said tract, being also the Northwest corner of Tract 53, located on the range line common to Range 3 East and Range 4 East;

63. thence Southerly along said range line to the Easterly Quarter corner of Section 36, Township 15 South, Range 3 East;

64. thence Westerly along the East and West center line of said section to the center of the section;

65. thence Northerly along the North and South center line of said Section 36 to the North Quarter corner thereof;

66. thence Westerly along the North line of said Section 36 to the Northwest corner thereof;

67. thence Southerly along the West line of said Section 36 to the Southwest corner thereof;

68. thence Westerly along the North line of Section 2, Township 16 South, Range 3 East, to the North Quarter corner thereof;

69 thence Southerly along the North and South center line of said Section 2 to the Northeast corner of the Southeast Quarter of the Southwest Quarter of said section;

70. thence Westerly along the North line of said Southeast Quarter of the Southwest quarter to the Northwest corner thereof;

71. thence Southerly on the West line of said Southeast Quarter of the Southwest Quarter to the Southwest corner thereof;

72. thence Westerly along the North Boundary of Section 11, Township 16 South, Range 3 East, to the Northwest corner of said section;

73. thence Southerly along the West line of said Section 11 and the West line of Section 14, of said township and range, to the Southwest corner of said Section 14;

74. thence Westerly along the North line of Section 22, of said township and range, to the North Quarter corner thereof;

75. thence Southerly along the North and South center line of said Section 22 to the center thereof;

76. thence Westerly along the East and West center line of said Section 22 to the West Quarter corner thereof;

77. thence Southerly along the West line of said Section 22 and the East line of Section 28, said township and range, to the Southeast corner of said Section 28;

78. thence Westerly along the South line of said Section 28 and the South line of Section 29, said township and range, to the Southwest corner of said Section 29;

79. thence Southerly along the East line of Section 31, said township and range, to the East Quarter corner thereof;

80. thence Westerly along the East and West center line of said Section 31 to the West Quarter corner thereof;

81. thence Southerly along the West line of said Section 31 to the Southwest corner thereof, said Southwest corner being on the township line common to Township 16 South and Township 17 South;

82. thence Westerly along said common township line approximately 6.5 miles to the South Quarter corner of Section 36, Township 16 South, Range 1 East;

83. thence Northerly along the North and South center line of said Section 36 to the center thereof;

84. thence Westerly along the East and West center line of said Section 36 and the East and West center line of Section 35, said township and range, to the center of said Section 35;

85. thence Northerly along the North and South center line to the Northeast corner of the Southeast Quarter of the Northwest Quarter of said section;

86. thence Westerly along the North line of said Southeast Quarter of the Northwest Quarter to the Northwest corner thereof;

87. thence Southerly along the West line of said Southeast Quarter of the Northwest Quarter to the Southwest corner thereof;

88. thence Westerly along the East and West center line of said section to the West Quarter corner of said Section 35;

89. thence Southerly along the West line of said section and the East line of Section 3, Township 17 South, Range 1 East, S.B.M. to the East Quarter corner of said Section 3;

90. thence Westerly along the East and West center line of said Section 3 to the center thereof;

91. thence Southerly along the North and South center line of said section to the South Quarter corner thereof;

92. thence Westerly along the South line of said Section 3 and the South line of Sections 4, 5 and 6, of said township and range, to the South Quarter corner of said Section 6;

93. thence Southerly along the North and South center line of Section 7, of said township and range, to the center thereof;

94. thence Westerly along the East and West center line of said Section 7 to the West Quarter corner thereof, said West Quarter corner being also a point on the S.B.M.;

95. thence Southerly along said S.B M. to the Southeast corner of Section 12, Township 17 South, Range 1 West, S.B.M.;

96 thence Westerly along the North line of Section 13, of said township and range, to the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 13, of said township and range;

97. thence Southerly along the East line of the Westerly Half of the Northwest Quarter of Section 13 to the East and West center line of said Section 13;

98. thence Westerly along said East and West center line to the West Quarter corner thereof;

99. thence Southerly along the Easterly line of Section 14, of said township and range, to the Southeast corner thereof;

100. thence Westerly along the North line of Section 23 of said township and range to the North Quarter corner thereof;

101. thence Southerly along the North and South center line of said Section 23 to the South Quarter corner thereof;

102. thence Westerly along the South line of said Section 23 to the Southwest corner thereof;

103. thence Southerly along the East lines of Sections 27 and 34, of said township and range, to the Southeast corner of said Section 34, said section corner being on the township line common to Township 17 South and Township 18 South;

104. thence Westerly along the North line of Section 3, Township 18 South, Range 1 West, S.B.M. to the North Quarter corner thereof;

105. thence Southerly along the North and South center line of said Section 3 to the center thereof;

106. thence Westerly along the East and West center line of said Section 3 and the East and West center line of Section 4 of said Township and Range to a point of intersection with the Easterly boundary of Rancho de la Nacion, Map 166, filed 1869, in the San Diego County Recorder's Office;

107. thence along said Easterly boundary to the Northeast corner of Quarter Section 12, said Map 166;

108. thence Westerly along the North line of said Quarter Section 12, to the Northwest corner thereof;

109. thence Southerly along the West line of said Quarter Section 12 to the Southwest corner thereof;

110. thence Westerly along the South line of Quarter Sections 15, 38, 41 and 64, said Map 166, to the Southwest corner of said Quarter Section 64;

111. thence Northerly along the West line of said Quarter Section 64 to the Northwest corner thereof;

112. thence Westerly along the North line of Quarter Section 67, said Map 166, to the Northwest corner thereof;

113. thence Northerly along the East line of Quarter Section 89, said Map 166, to the Northeast corner thereof;

114. thence Westerly along the North line of said Quarter Section 89 and the North line of Quarter Section 94, Map 166, to the Northwest corner of said Quarter Section 94;

115. thence Northerly along the East line of Quarter Section 114, Map 166, to the intersection with the center line of "L" Street, in the City of Chula Vista, as shown on Map No. 3163, filed in the San Diego County Recorder's Office;

116. thence Westerly along said center line to an intersection with the center line of Hilltop Drive, said center line being also known as the East line of Quarter Section 121, Map 166;

117. thence Southerly along said East line of Quarter Section 121 and continuing Southerly along the East line of Quarter Section 120 to the East Quarter corner of said Quarter Section 120, being a point on the center line of Road Survey 1335, as filed in the San Diego County Surveyor's Office;

118. thence Westerly along said center line of Road Survey 1335 to a point of intersection with the center line of Road Survey 1554, as filed in the San Diego County Surveyor's Office, known as Third Avenue;

119. thence Southerly along said center line of Road Survey 1554, to a point of intersection with the center line of Palomar Street, City of Chula Vista;

120. thence Westerly along said center line of Palomar Street to a point of intersection with the center line of Road Survey 1511, known as National Avenue;

121. thence Southerly along said center line of Road Survey 1511 to a point of intersection with the Southerly boundary line of Rancho de la Nacion, Map 166;

122. thence Westerly along said Southerly boundary of Rancho de la Nacion and its Westerly prolongation to a point of intersection with the East boundary of the City of Coronado;

123. thence Southerly and Westerly along said boundary of the City of Coronado to the Southwest corner thereof, said Southwest corner being on the Western boundary of the State of California, as described in Article XXI of the Constitution of the State of California;

124. thence Southerly along said State boundary to the point of beginning.

(e) Zone 5: All that territory in the County of San Diego, State of California, included within the district and lying within the following described boundary: Beginning at the

Northeast corner of San Diego County, said corner being common to Imperial and Riverside Counties and also the Northeast corner of Section 1, Township 9 South, Range 8 East;

1. thence Westerly along the North line of said San Diego County to the Northwest corner of Fractional Section 36, Township 8½ South, Range 3 East, S.B.M.;

2. thence Southerly along the West line of said Section 36 and the West line of Section 1, Township 9 South, Range 3 East, S.B.M., to the West Quarter corner of said Section 1;

3. thence Easterly along the East and West center line of said Section 1 to the East Quarter corner of said Section 1, being a point in the West line of Township 9 South, Range 4 East, S.B.M.;

4. thence Southerly along said West line to the West Quarter corner of Section 7, said township and range;

5. thence Easterly along the East and West center line of said Section 7 to the center of said section;

6. thence Southerly along the North and South center lines of Sections 7 and 18, said township and range, to the center of said Section 18;

7. thence Easterly along the East and West center lines of Sections 18 and 17, said township and range, to the center of said Section 17;

8. thence Southerly along the North and South center line of said Section 17 to the North Quarter corner of Section 20, said township and range;

9. thence Easterly along the North lines of Sections 20, 21 and 22, said township and range, to the North Quarter corner of said Section 22;

10. thence Southerly along the North and South center lines of Sections 22 and 27, said township and range, to the center of said Section 27;

11. thence Easterly along the East and West center line of said Section 27 to the East Quarter corner thereof;

12. thence Southerly along the East lines of Sections 27 and 34, said township and range, and the West lines of Sections 2, 11 and 14, Township 10 South, Range 4 East, S.B.M., to the West Quarter corner of said Section 14;

13. thence Easterly along the East and West center line of said Section 14 to the center thereof;

14. thence Southerly along the North and South center line of said Section 14 to the South Quarter corner thereof;

15. thence Easterly along the North lines of Sections 23 and 24, said township and range, to the North Quarter corner of said Section 24;

16. thence Southerly along the North and South center lines of Sections 24 and 25, said township and range to the center of said Section 25;

17. thence Westerly along the East and West center line of said Section 25 to the West Quarter corner thereof;

18 thence Southerly along the West line of said Section 25 to the Southwest corner thereof;

19. thence Westerly along the North line of Section 35, said township and range, to the North Quarter corner thereof;

20. thence Southerly along the North and South center line of said Section 35 and the North and South center line of Section 2, Township 11 South, Range 4 East, S.B.M., to the center of said Section 2;

21. thence Easterly along the East and West center lines of Sections 2 and 1, said township and range, to the East Quarter corner of said Section 1, being a point in the West line of Section 6, Township 11 South, Range 5 East, S.B.M.;

22. thence Northerly along the West line of said Section 6 to the Northwest corner thereof;

23. thence Easterly along the North line of said Section 6, to the Northeast corner thereof;

24. thence Southerly along the East line of said Section 6 to the Southeast corner thereof;

25. thence Easterly along the south line of Section 5, said township and range, to the South Quarter corner of said section;

26. thence Southerly along the North and South center lines of Sections 8 and 17, said township and range, to the South Quarter corner of said Section 17;

27. thence Westerly along the South line of said Section 17 to the Northeast corner of Section 19, said township and range;

28. thence Southerly along the East line of said Section 19 to the Southeast corner thereof;

29. thence Westerly along the South line of said Section 19 and the South lines of Sections 24 and 23, Township 11 South, Range 4 East, S.B.M., to the South Quarter corner of said Section 23;

30. thence Southerly along the North and South center line of Section 26, said township and range, to the center thereof;

31. thence Westerly along the East and West center lines of Sections 26, 27 and 28, said township and range to the center of said Section 28;

32. thence Northerly along the North and South center lines of Sections 28 and 21, said township and range, to the center of said Section 21;

33. thence Westerly along the East and West center lines of Sections 21, 20 and 19, said township and range, to a point of intersection with the Southeasterly boundary of Rancho Valle De San Jose, Book 2, page 84 of Patents as filed in the San Diego County Recorder's Office;

34. thence Westerly along said Southeasterly boundary to a point of intersection with the range line common to Ranges 3 East and 4 East;

35. thence Southerly along said common range line to the Northwest corner of Section 7, Township 12 South, Range 4 East, S.B.M.;

36. thence Easterly along the North line of said Section 7 to the Northeast corner thereof;

37. thence Southerly along the West line of Section 8, said township and range, to the West Quarter corner thereof;

38. thence Easterly along the East and West center line of said Section 8 to the center thereof;

39. thence Southerly along the North and South center line of said Section 8 to the South Quarter corner thereof;

40. thence Easterly along the North line of Section 17, said township and range, to the Northeast corner thereof;

41. thence Southerly along the East lines of Sections 17 and 20, said township and range, to the Southeast corner of said Section 20;

42. thence Westerly along the South lines of Sections 20 and 19, said township and range, to a point of intersection with the center line of Road Survey No. 296 as filed in the San Diego County Surveyor's Office;

43. thence Southerly along said center line of Road Survey 296 to a point of intersection with the center line of Road Survey 819, as filed in the San Diego County Surveyor's Office;

44. thence Southerly along said center line of Road Survey 819 to a point of intersection with the East and West center line of Section 31, said township and range;

45. thence Easterly along said East and West center line of Section 31 to the East Quarter corner thereof;

46. thence Southerly along the East line of said Section 31 to the Southeast corner thereof;

47. thence Easterly along the North line of Section 5, Township 13 South, Range 4 East, S.B.M., to the North Quarter corner thereof;

48. thence Southerly along the North and South center line of said Section 5 to a point of intersection with the center line of XI-SD-78A,B, California State Highway 79, as filed in the State Division of Highway's Office, San Diego, California;

49. thence in a Southeasterly direction along the center line of said Highway 79 to a point of intersection with the East and West center line of Section 15, Township 13 South, Range 4 East, S.B.M.;

50. thence Easterly along said East and West center line to the East Quarter corner of said Section 15;

51. thence Southerly along the East lines of Sections 15 and 22, said township and range, to a point of intersection with the Northerly boundary of Rancho Cuyamaca, Book 43, page 309 of Patents as filed in the San Diego County Recorder's Office;

52. thence Northeasterly and Southeasterly along said boundary of Rancho Cuyamaca to a point of intersection with the center line of Road Survey 478, Sunrise Highway, as filed in the San Diego County Surveyor's Office;

53. thence in a Southerly and Southeasterly direction along the center line of said Road Survey 478 to a point of inter-

section with the East and West center line of Section 28, Township 14 South, Range 5 East, S.B.M.;

54. thence Easterly along the East and West center lines of Sections 28 and 27, said township and range, to the center of said Section 27;

55. thence Southerly along the North and South center lines of Sections 27, 34, said township and range and Section 3, Township 15 South, Range 5 East, S.B.M., to the South Quarter corner of said Section 3;

56. thence Easterly along the South lines of Sections 3 and 2, said township and range, to the South Quarter corner of said Section 2;

57. thence Northerly along the North and South center line of said Section 2 to the center thereof;

58. thence Easterly along the East and West center lines of Sections 2 and 1, said township and range to the center of said Section 1;

59. thence Southerly along the North and South center line of said Section 1 to the South Quarter corner thereof;

60. thence Easterly along the South line of said Section 1 to the Southeast corner thereof, said point being on the range line common to Ranges 5 East and 6 East;

61. thence Southerly along said common range line to the Southwest corner of Section 18, Township 15 South, Range 6 East, S.B.M.;

62. thence Easterly along the South line of said Section 18 to the South Quarter corner thereof;

63. thence Northerly along the North and South center line of said Section 18 to the center thereof;

64. thence Easterly along the East and West center lines of Sections 18 and 17, said township and range, to the center of said Section 17;

65. thence Southerly along the North and South center lines of Sections 17 and 20, said township and range, to the center of said Section 20;

66. thence Easterly along the East and West center line of said Section 20 to the East Quarter corner thereof;

67. thence Southerly along the East line of said Section 20 to the Southeast corner thereof;

68. thence Easterly along the North line of Section 28, said township and range, to the North Quarter corner thereof;

69. thence Southerly along the North and South center line of said Section 28 to the center thereof;

70. thence Easterly along the East and West center line of said Section 28 to the East Quarter corner thereof;

71. thence Southerly along the East lines of Sections 28 and 33, said township and range, to the East Quarter corner of said Section 33;

72. thence Westerly along the East and West center line of said Section 33 to the center thereof;

73. thence Southerly along the North and South center lines of said Section 33 and Section 4, Township 16 South, Range 6 East, S.B.M., to the center of said Section 4;

74. thence Easterly along the East and West center lines of said Section 4 to the East Quarter corner thereof;

75. thence Southerly along the East lines of Sections 4 and 9, said township and range to the East Quarter corner of said Section 9;

76. thence Westerly along the East and West center line of said Section 9 to the center thereof;

77. thence Southerly along the North and South center line of said Section 9 to the South Quarter corner thereof;

78. thence Easterly along the South line of said Section 9 to the Southeast corner thereof;

79. thence Southerly along the West lines of Sections 15 and 22, said township and range, to the Southwest corner of said Section 22;

80. thence Easterly along the North line of Section 27, said township and range, to the North Quarter corner thereof;

81. thence Southerly along the North and South center line of said Section 27 to the center thereof;

82. thence Easterly along the East and West center line of said Section 27 to the East Quarter corner thereof;

83. thence Southerly along the East lines of Sections 27 and 34, said township and range, to the Southeast corner of said Section 34;

84. thence Easterly along the North line of Section 2, Township 17 South, Range 6 East, S.B.M., to the North Quarter corner thereof;

85. thence Southerly along the North and South center lines of Sections 2 and 11 to the center of said Section 11;

86. thence Easterly along the East and West center line of said Section 11 to the East Quarter corner thereof;

87. thence Southerly along the East line of said Section 11 to the Southeast corner thereof;

88. thence Easterly along the North line of Section 13, said township and range, to the North Quarter corner thereof;

89. thence Southerly along the North and South center lines of Sections 13 and 24, said township and range, to the South Quarter corner of said Section 24;

90. thence Easterly along the North line of Section 25, said township and range, to the Northeast corner thereof, said point being on the range line common to Ranges 6 East and 7 East;

91. thence Southerly along said common range line to the West Quarter corner of Section 6, Township 18 South, Range 7 East, S.B M.;

92. thence Easterly along the East and West center line of said Section 6 to the center thereof;

93. thence Southerly along the North and South center line of said Section 6 to the South Quarter corner thereof;

94. thence Easterly along the South line of said Section 6 to the Southeast corner thereof;

95. thence Southerly along the East line of Section 7, said township and range, to the Southeast corner thereof;

96. thence Easterly along the North line of Section 17, said township and range, to the North Quarter corner thereof;

97. thence Southerly along the North and South center line of said Section 17 to a point of intersection with the International Boundary between the United States and Mexico;

98. thence Easterly along said boundary to the Southeast corner of San Diego County as described in Title 3, Division 1, Chapter 2, Article 2 of the Government Code of the State of California;

99. thence Northerly along the East boundary of said San Diego County to the point of beginning.

(f) Zone 6: All that territory in the County of San Diego, State of California, included within the district and lying within the following described boundary: Beginning at the Southwest corner of the boundary of the City of Coronado, as of January 1, 1963, said Southwest corner being a point on the Western boundary of the State of California, as described in Article XXI of the Constitution of the State of California;

1. thence Easterly and Northerly along said boundary of the City of Coronado to a point of intersection with the Westerly prolongation of the Southerly boundary of Rancho De La Nacion, Map No. 166, as filed in the San Diego County Recorder's Office;

2. thence Northerly and Northwesterly along said city boundary to a point of intersection with the Southerly boundary of the City of San Diego, as of January 1, 1963, said Southerly boundary being common also to the City of National City;

3. thence Northwesterly, Southerly and Westerly along the boundary of the City of San Diego around the City of Coronado and North Island to a point of intersection with said Western boundary of the State of California;

4. thence Southerly along said Western boundary to the point of beginning.

SEC. 5. The objects and purposes of this act are to provide for the control of the flood and storm waters of the district, and the flood and storm waters of streams that have their source outside of the district, but which streams and the flood waters thereof flow into the district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing such waters to percolate into the soil strata or to save or conserve in any manner all or any of such waters and to prevent the waste thereof, and to protect from damage from such flood or storm waters the harbors, waterways, public highways and property in the district and the lives of the inhabitants thereof; to protect, preserve and restore watersheds within and without the district; to protect beaches and shorelines from erosion, and to restore the same; and at all times to operate and to use the district property

not immediately needed for the control of flood and storm waters in a manner beneficial to the public.

SEC. 6. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual existence.

2. To sue and be sued in the name of the district.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights of way, easements, and privileges, excepting water rights owned by a public corporation or agency without the consent of such public corporation or agency, and to construct, maintain, alter and operate any and all projects or works of improvement, within or without the district, necessary or proper to carry out any of the objects or purposes of this act, or convenient to the full exercise of its powers, and to construct, complete, extend, add to, alter, remove, reconstruct, repair or otherwise improve any projects or works of improvement, or property acquired by it as authorized by this act.

5. To control the flood and storm waters of the district, and the flood and storm waters of streams that have their source outside of the district, but which streams and the flood waters thereof flow into the district, and to conserve such waters for beneficial and useful purposes within the district by retarding, spreading, storing, retaining and causing the same to percolate into the soil within or without the district, or to save and conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district; provided, that water rights now existing, public or private, be not thereby taken or damaged without compensation; provided further, that none of the provisions of this act shall in any manner limit or preclude the full exercise by any county, city, district, public or municipal authority, agency or corporation, or any political subdivision that may now or hereafter exist, wholly or in part, within the district from exercising any of its powers, although such be of the same nature as the powers of the district. Any such other public entity may, by written agreement with the district, provide for the use, or joint use, of property or facilities in which any such other public entity has an interest, or for the use, or joint use, of property or facilities in which the district has an interest.

6. To cooperate and to act in conjunction with or contribute funds to, the United States or the State of California, or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of San Diego, or with any public agency or district, in the construction of any projects or works of improvement for the controlling of flood or storm waters of or flowing

into the district, or for the protection of life or property therein, or for the purposes of conserving said waters for beneficial use within said district, or for the protection of beaches and shorelines from erosion, or for the restoration of beaches and shorelines, or in any other works, acts or purposes provided for herein, and to adopt and carry out any definite plan or system of projects or works of improvement for any such purpose; and to enter into, and to do any and all acts necessary or proper for the performance of, any agreement with, or necessary to comply with any act of authorization of, the United States, or any state, county or district of any kind, or necessary and proper for the performance of any agreement with any public or private corporation, association, firm or individual, or any number of them, for the joint financing, acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, projects or works of improvement, or other property of any kind which might be lawfully acquired or owned by the district.

7. To acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned by the district, and to grant to any person the right to carry any water owned by such person through any tunnel, canal, ditch or conduit of the district; provided, that the district shall not acquire any such rights from a municipality or public water agency or district other than with the consent of such municipality or public water agency or district.

8. To carry on technical and other investigations of all kinds, make measurements, collect data, and to make analyses, studies, and inspections pertaining to water supply, water rights, ocean currents, tides, erosion, control of floods, and use of water, and to make surveys, studies, and maps and plats relative to the location of necessary projects and works of improvement including but not limited to dams, levies, channels, conduits, canals, pipelines, roadways and other rights-of-way, and relative to the acquisition of lands, or interests therein, and other property; provided, that the foregoing powers may be exercised by the district to the extent necessary to accomplish the purposes of this act; and further provided, that the district has the right of access, and may enter upon any lands within or without the district, irrespective of the ownership of such lands, with or without the permission of the owner of such lands, in order to accomplish the acts authorized by this section, or any of them, and such entry by the district or by its authorized representative shall not constitute, nor give rise to, any cause of action in favor of the owner or owners of such land except for injuries resulting from negligence, wantonness, or malice.

Whenever a project or work of improvement is contemplated due consideration shall be given to the location of existing sewage lines and to the possible locations of future sewage lines, and the district shall solicit the recommendations of

public sewage disposal agencies in order that district facilities may be located equitably in light of such sewage lines.

9. To incur indebtedness and to issue bonds in the manner hereinafter provided.

10. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

11. To make contracts, to employ labor, to employ expert appraisers, consultants and technical advisors and assistants, and to do all acts necessary for the full exercise of all powers vested by this act in said district or in any of the officers thereof.

12. The district has and may exercise the right of eminent domain within the County of San Diego, either within or without the district, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to carry out any of the objects or purposes of this act, whether such property be already devoted to any public use by any district or public corporation or agency, or otherwise; provided, however, that 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, wires, cable, poles or other property of any public utility or public corporation or district which is required to be moved to a new location; and provided further, that notwithstanding any provision of this act or any other law, no property shall be taken unless it is taken 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; and provided further, that no right shall exist in the district to take by proceedings in eminent domain any water rights appropriated to public use by any existing municipal corporation, water district, or other public agency. The district shall also have the right to and may condemn, within the County of San Diego, any existing works or improvements in the district or along streams flowing into the district now or hereafter used to control flood or storm waters, or to conserve such flood or storm waters or to protect any property in the district or along streams flowing into the district from damage from such flood or storm waters, or to protect beaches or shorelines from erosion or to restore such beaches or shorelines, and it is hereby declared that the use of the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use subject to the regulation and control of the State of California in the manner prescribed by law; provided, however, that nothing in this act contained shall be deemed to authorize the district or any person to divert the waters of any river, creek, stream, irrigation system, canal or ditch or the waters thereof or therein

unless compensation therefor be first provided in the manner prescribed by law.

The power of eminent domain vested in the district shall include the power to condemn in the name of the district either the fee simple or any lesser estate, easement or interest in any real property which the board by resolution shall determine is necessary for carrying out the purposes of this act.

Before property can be taken it must appear:

1. That the use to which it is to be applied is a use authorized by this act; and

2. That the taking is necessary to such use; provided, when the board, by resolution adopted by vote of two-thirds of all its members, has found and determined that the public interest and necessity require the acquisition, construction or completion by the district of some project or work of improvement, and that the property described in such resolution is necessary therefor, such resolution shall be conclusive evidence:

(a) of the public necessity for such proposed project or work of improvement;

(b) that such property is necessary therefor, and

(c) that such proposed project or work of improvement is planned or located in the manner which will be most compatible with the greatest public good, and the least private injury; provided, however, that said resolution shall not be such conclusive evidence in the case of the taking by the district of property located outside of the territorial limits thereof.

Whenever land is to be condemned by the district for any of the uses and purposes permitted by law, and the taking of a part of a parcel of land would leave the remainder thereof in such size or shape or condition as to require the district to pay in compensation for the taking of such part an amount equal to the fair and reasonable value of the whole parcel, the resolution of the board may provide for the taking of the whole of such parcel and upon the adoption of any such resolution it shall be deemed necessary for the public use, benefit, safety, economy, and general welfare that the district acquire the whole of such parcel.

Whenever real property which is devoted to or held for some other public or quasi-public use is required by the district for any purpose authorized by this act, the district may condemn real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

Nothing in this act contained shall be construed as in any way affecting the plenary power of any existing municipal corporation, water district or other public agency providing water to the public or as affecting the absolute control of any properties of such municipal corporation, water district or public agency necessary for such water supply, and nothing herein contained shall be construed as vesting any power of control over such properties in the district or any officer

thereof, or in any person referred to in this act, except to the extent consented thereto by such municipal corporation, water district or public agency.

13. To plan, improve, operate, maintain, and keep in a sanitary condition a system of public parks, playgrounds, beaches, swimming areas, and other facilities for public recreation, for the use and enjoyment of all the inhabitants of the district, as an incident to the carrying out of the projects and works of improvement of the district and on land acquired or used for the flood control, drainage, beach or shoreline erosion control, or water conservation purposes of this act; to construct, maintain, and operate any other amusement or recreational facilities on such lands, including picnic grounds and equipment incidental thereto, bathhouses, golf courses, tennis courts, and other special amusements and forms of recreation; to fix and collect reasonable fees for the use by the public of any such special facilities, services or equipment; and to adopt such rules and regulations as in the discretion of the board are necessary to the orderly operation and control of the use by the public of such lands and facilities for recreational purposes; provided, however, that the district shall not, for the purposes specified in this subsection, interfere with the control or operation of any existing public park, playground, beach, swimming area, parkway, recreational ground, or other public property, owned or controlled by any other district, county or municipal corporation, except with the consent of the governing body of such district, county or municipal corporation, and upon such terms as may be mutually agreed upon between the board and such governing body; and further provided, that no such recreational facility shall be established in any city or in the unincorporated territory of a county without the consent of the governing body of such city or county, and further provided, that if any such recreational facility is located within the unincorporated territory of a county then that county, or if any such recreational facility is located within the corporate limits of any city then that city, by resolution duly passed by the governing body of such county or city, may assume the management and control of such recreational facility, in which event such county or city shall establish and collect nondiscriminatory fees and charges for the use of such recreational facility and may establish rules and regulations pertaining to such recreational facility, and the county or city annually shall deduct from such fees and charges an amount sufficient to reimburse the county or city for the costs and expenses incurred in such management and control of such recreational facility, and shall pay over to the district, for use for general district purposes, all money collected in excess of the amount necessary for such reimbursement.

14. The powers herein granted shall include the design, construction, or maintenance of any levees, seawalls, groins, breakwaters, jetties, outlets, channels, harbors, basins, or other

projects or works of improvement pertaining thereto for the protection of shoreline or beaches.

15. To lease, sell or dispose of any property or interest therein whenever, in the judgment of the board, said property or said interests therein or part thereof is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of such property for the purposes of the district, and to pay any compensation received therefor into the general fund of the district and use the same for the purposes of this act; provided, however, that nothing herein contained shall authorize the board or any officer of said district to sell, lease or otherwise dispose of any water, water right, reservoir space or storage capacity or any interest or space therein, except to public agencies for recreational purposes or except as heretofore provided in subsection 6 of this section, or except, in the discretion of the board, as is necessarily incidental to the accomplishment of the purposes of this act or to the public welfare; provided, however, that the district may grant and convey to the United States, or to any federal agency authorized to accept and pay for such land or interests in land, all lands and interests in land, now owned or hereafter acquired, lying within any channel, dam, or reservoir site, or shoreline or beach, improved and constructed, in whole or in part, with federal funds, upon payment to the district of sums equivalent to actual expenditures made by it in acquiring the lands and interests in land so conveyed, and in improving such lands and interests in land, deemed reasonable in the discretion of the board.

16. To grant or otherwise convey to counties, cities and counties, cities, the State of California or the United States easements for street and highway purposes over, along, upon, in, through, across or under any real property owned by the district.

17. To remove, carry away and dispose of any rubbish, trash, debris, or other inconvenient matter that may be dislodged, transported, conveyed, or carried by means of, through, in or along the works and structures operated or maintained hereunder and deposited upon the property of the district or elsewhere.

18. Notwithstanding any provision of this act, the district shall not have the power to compete with water selling or distribution agencies, either public or private, by selling or distributing water to consumers for domestic, agricultural or industrial use; provided, however, that the district shall have the power to sell to water agencies, either public or private, such surplus water as it may accumulate.

SEC. 7. The Board of Supervisors of the County of San Diego shall be and is hereby designated as, and is empowered to act as, ex officio the board of directors of the district.

The members of the board shall not be compensated for their services to the district, except that each member of said board

shall be reimbursed for his actual and necessary expenses in the performance of official duties under this act.

The board is hereby vested with the same powers and shall perform the same duties for and on behalf of the district, and for the government thereof, to carry out the objects and purposes of this act, that the Board of Supervisors of the County of San Diego now has or may hereinafter have by law for said County of San Diego, and shall also have such other or additional powers for and on behalf of the district as may be necessary to carry out any of the objects and purposes of this act, or to exercise any of the powers of the district, provided that such powers and duties are not in conflict with the express terms of this act. All ordinances, resolutions and other legislative acts for the district shall be adopted by the board and certified to, recorded and published in the same manner as are ordinances, resolutions or other legislative acts of the County of San Diego, except as herein otherwise specifically provided.

SEC. 8. The County Counsel, the Clerk of the Board of Supervisors, the County Assessor, the County Tax Collector, the County Clerk, the County Auditor and Controller, the County Registrar of Voters, the County Purchasing Agent, the Director of Special District Services, and the County Treasurer of the County of San Diego, and their successors in office and all their assistants, deputies, clerks and employees, and all other officers of said county and their assistants, deputies, clerks and employees, shall be ex officio officers, assistants, deputies, clerks and employees respectively of said district, and shall respectively perform, unless otherwise provided by said board, the same various duties for said district as for said county, in order to carry out the purposes of this act. All such officers, assistants, deputies, clerks and employees shall receive their actual and necessary expenses in the performance of official duties under this act payable from the funds of said district, and the district shall reimburse the county for the services, rendered to said district and paid for by the county of such officers, assistants, deputies, clerks and employees. Officers, assistants, deputies, clerks and employees of the district may, without prejudice to their rights be transferred to the service of the county or may be assigned to perform work for the county, in which event a charge for such services rendered shall be payable by the county to the district.

SEC. 9. The board shall have the power to make and enforce all needful rules and regulations for the administration and government of the district, and in addition to the officers and employees herein otherwise prescribed the board may in its discretion appoint such officers, agents and employees of the board or for the district as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. All officers, agents and employees shall be appointed under and pursuant to the civil service rules and regulations of the county; provided, however, that experts, consultants or technical or other advisors for particular purposes shall be ap-

pointed by and serve at the pleasure of the board, and shall not be governed by ordinances, rules or regulations applicable to the classified civil service except to the extent the board specifically may require. The civil service commission of the county and the department of civil service and personnel of the county shall be ex officio the civil service commission and ex officio the civil service and personnel department of the district, and said commission and said department shall perform all of the duties herein prescribed without additional compensation except that the district shall pay for any necessary additional expenses incurred by reason of the performance of said additional duties for said district.

SEC. 10. The board shall have jurisdiction and power by resolution to employ competent registered civil engineers to investigate and to carefully devise a plan or plans to carry out and fulfill the hereinbefore described objects and purposes of the district, and to obtain such information in regard thereto as may be deemed necessary or useful for carrying out the objects and purposes of this act; such resolution may direct such engineer or engineers to make and file reports from time to time with the board, which may show:

1. A general description of existing facilities, if any there be, for the accomplishment of the objects and purposes of the district.

2. A general description of the projects or works of improvement proposed to be made or done.

3. A general plan and general specifications of said project or work of improvement.

4. A general description of the lands, rights-of-way, easements and property proposed to be taken, acquired or damaged in carrying out said project or work of improvement.

5. A map or maps which shall show the location and zones, as may be required, of each of said projects or works of improvement, and lands, rights-of-way, easements and property to be taken, acquired or damaged in carrying out said work, and any other information in regard to the same that may be deemed necessary or useful.

6. An estimate of the cost of the proposed project or work of improvement. Such engineer or engineers shall from time to time, as directed by the board, file with the board supplementary, amendatory and additional reports and recommendations, as necessity and convenience may require.

Such engineer or engineers, employed by said resolution, shall have power and authority, subject to the control and direction of said board of directors, to employ such engineers, surveyors, and others as may be required for making all surveys or doing any other work necessary for the making of such report.

SEC. 11. There is a zone commission for every zone, which commission is advisory to the board. Each commission shall meet at least quarterly to consider all matters affecting its zone and to report to the board thereon, and to recommend the

institution of zone works and projects. Before the board orders the construction of any project or work of improvement, not previously considered or included within any zone commission recommendation or report submitted as herein provided, it shall submit the proposal therefor to the commission of each zone within which any portion of such project or work of improvement is proposed to be constructed for study and recommendation, in which event such commission shall report to the board concerning said works or projects and make its recommendations thereon within such period of time, not less than 90 days, as may be prescribed by the board. Failure of such commission to report within such period of time shall constitute approval of the proposed works or projects.

Annually, prior to the first day of April, each commission shall recommend to the board a zone budget for capital improvements and for expenses of operation and maintenance within its zone.

The board may, by majority vote, approve and carry out a recommendation of a commission. The board may take action in connection with a recommendation which is contrary, in whole or in part, to the action recommended by a commission only when such board action is approved by a four-fifths vote of all the members of the board, which four-fifths vote must include the vote or votes of each supervisor-director in whose supervisorial district is located any part of the project or work of improvement. Nothing in this section contained shall be construed to require that the board must take any action, general or specific, because such action was approved or recommended by a commission.

SEC. 12. In each of the zones the board shall appoint a commission as follows: one representative of all the soil conservation districts situated entirely or partially within the zone; one representative of all the water agencies situated entirely or partially within the zone; one or more representatives of the unincorporated territory of the zone, the precise number to be determined as hereinafter specified, and one additional representative appointed by the board if such appointment is necessary to make the total number of representatives an uneven number.

As used in this section the term "water agencies" means any person operating a dam having an impounding capacity of 2,500 acre feet or more, and any public agency representing the owners of, or controlling, water rights that in the determination of the board would or could be affected by zone or district projects.

The board shall appoint the representative of the soil conservation districts from a list of one or more nominees proposed by all of such districts acting in concert.

The board shall appoint the representative of the water agencies from a list of one or more nominees proposed by all of such agencies acting in concert.

Representatives of the unincorporated area shall be nominated and appointed by the board. The number of representatives authorized for the unincorporated territory shall be determined according to the following table:

Zone	One representative for *	One additional representative for *
1	30, or less	each additional full 30
2	100, or less	each additional full 100
3	40, or less	each additional full 40
4	20, or less	each additional full 20
5	10, or less	each additional full 10

* The numbers in the center and right columns represent millions of dollars of assessed valuation.

Upon annexation to the district, any corporate area of any city which is within or partially within any zone shall have the right to representation on the Zone Commission for said zone and the number of representatives shall be determined and they shall be appointed and serve in like manner as representatives of the unincorporated territory, except that they shall be nominated by the city council.

If the position of representative of the soil conservation districts or of the water agencies is or becomes vacant for any reason, the clerk of the board shall give to each of said districts or agencies, as the case may be, 30 days notice of the time and place at which will be held a meeting for the purpose of nominating a representative of its own choosing. If the position of representative of any city or of the unincorporated territory is or becomes vacant for any reason the board shall appoint the representative nominated by the city council or by the board of supervisors, as the case may be, only, and such position shall remain vacant unless and until such nomination and appointment is made.

In all zones representatives shall serve four-year terms, except that the initial appointment of one-half the representatives, as determined by lot, shall be for a two-year term, only, so that the terms of the representatives will be staggered. Any representative appointed by the board for the purpose of making the total number of representatives an uneven number shall be appointed only for a two-year term. Zone representatives may be reappointed by the board to serve additional terms.

Zone representatives shall serve without compensation, except that the board by resolution may provide for the reimbursement from funds of the district of actual and necessary expenses incurred by such representatives in the performance of official duties under this act.

SEC. 13. Concurrently with the institution of a project or work of improvement, the board may establish a subzone or participating subzones for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving such project or work of improvement. Whenever it is pro-

posed to establish a subzone or participating subzones the resolution of intention required by this act shall contain, in addition to other required matters, a statement of the board's intention to establish a subzone or participating subzones, as the case may be, a description of the proposed boundaries thereof, and, where participating subzones are proposed, the proportionate amount of the costs to be borne by each subzone.

At the hearing held pursuant to this act in addition to other matters then required to be determined, the board shall determine the extent of any subzone or participating subzones it may establish. The board shall have the power to exclude such territory from any proposed subzone or participating subzones as the board finds will not be benefited by inclusion therein.

All of the provisions of this act relating to bonds and relating to projects and works of improvement are applicable to subzones and participating subzones, and all of the powers and duties conferred or imposed by this act with respect to zones or participating zones, including the powers and duties to levy and collect taxes or assessments and to incur indebtedness and to issue and sell bonds, shall apply with respect to subzones and participating subzones.

It is hereby declared that for the purposes of any tax or assessment levied pursuant to this act in any subzone or participating subzone, the property so taxed or assessed is equally benefited.

Whenever a special bond election is called and held under Section 18 of this act, or as authorized by Section 27 of this act, with respect to any subzone or participating subzone, it shall be called and held only within such subzone or participating subzone for which the bonded indebtedness is proposed to be incurred and need not be called or held in any of the remaining territory of the zone or participating zones of which such subzone or participating subzone may be a part. Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. When a project or work of improvement affects a single subzone only, then bonds for such subzone for the amount stated in such proceedings shall be issued and sold as in this act provided only if at the election called for that purpose a majority of the votes cast in said subzone on the proposition of incurring a bonded indebtedness are in favor thereof. When the incurring of bonded indebtedness by a participating subzone is to be determined at any election, no bonds for any of such participating subzones shall be issued or sold unless a majority of the votes cast on the proposition submitted at such election in each such participating subzone are in favor of incurring the bonded indebtedness to be undertaken by such participating subzone. Bonds of the district issued for any subzone or participating subzone pursuant to this act shall be legal investments and

may be used as security, and money or funds may be invested in said bonds, as provided in Section 25 of this act with respect to bonds of the district issued for zones.

SEC. 14. 1. The board may institute projects or works of improvement for single zones or subzones and joint projects or works of improvement for participating zones or subzones, and for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any project or work of improvement of common benefit to such zone or subzones or participating zones or subzones.

2. Prior to proceeding with any such project or work of improvement within any subzone, or participating subzones, the board shall adopt a resolution specifying its intention to undertake the same, setting forth the engineering estimates of the cost thereof to be borne by the particular subzone, and in the case of participating subzones, the proportionate cost to be borne by each such participating subzone and the method of financing and fixing a time and place for public hearing on the matters referred to in said resolution. The resolution shall refer to an engineer's report or to a map or maps or other documents showing the general location and general nature of the proposed project together with a map showing the exterior boundaries of the proposed subzone or participating subzones.

3. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the district and circulated in such subzone or each of said participating subzones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such subzone or in each of said participating subzones. Publication shall be complete at least seven days before the date of the hearing. Said notice must designate a public place in such subzone or in each of said participating subzones where a copy or copies of the map or maps of said joint project or work of improvement may be seen by any interested person; said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

SEC. 15. 1. At any time not later than the hour set for hearing protests or objections to the proposed work, any owner of property within the proposed subzone or participating subzones may make written protest against the proposed work or against the extent of the subzone or participating subzones to be formed. Such protest must be in writing, must contain a description of the property in which each signer thereof is interested, sufficient to identify the same and, if the signers are not shown on the last equalized county assessment roll as owners of such property, must contain or be accompanied by written evidence that such signers are the owners of such property. All such protests shall be delivered to the clerk, and no other protests or objections shall be considered.

2. At the time set for hearing protests the board shall proceed to hear and pass upon all protests as herein required and its decision shall be final and conclusive. The board may adjourn the hearings from time to time. Any such protest may be withdrawn by the owner making the same at any time prior to the conclusion of said protest hearing or any such adjournment thereof.

3. If the board finds that the protest is made by the owners of more than one-half of the property within a proposed subzone, and protests are not withdrawn so as to reduce the same to less than a majority, no further proceedings as to such proposed subzone shall be taken for a period of six months from the date of the decision of the board on the hearing, unless the protests are overruled by an affirmative vote of four-fifths of the members of the board.

4. If it shall be necessary, in order to find whether a majority protest exists, to determine whether any or all of the signers of written protests are "owners" of property within a proposed subzone, the board shall make such determination from the last equalized assessment roll, any written evidence submitted with a written protest and any other evidence received at the hearing. The board shall be under no duty to obtain or consider any other evidence as to ownership of property and its determination of ownership shall be final and conclusive.

5. At the conclusion of the hearing as hereinabove provided, if no protests or objections in writing have been filed with the clerk up to the hour set for the hearing thereon or if protests have been found by the board to be insufficient, or have been overruled, the board shall determine and establish the exterior boundaries of the proposed subzone, or participating subzones and may thereupon order the construction, maintenance, operation, extension, repair or improvement of the project or work of improvement.

SEC. 16. 1. The board shall have power, in any year, to levy and collect ad valorem taxes or assessments upon all taxable property in each or any zone to pay the costs and expenses of carrying out any of the objects or purposes of this act benefiting such zone, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all projects or works of improvement established or to be established within or on behalf of such zone.

2. It is declared that for the purpose of any tax or assessment levied in a zone pursuant to this section, that the property so taxed or assessed within such zone is equally benefited.

3. The aggregate taxes or assessments levied in any one zone pursuant to this section for any one fiscal year shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) of the assessed valuation of the taxable property in such zone.

4. Taxes or assessments shall be levied and collected together with and not separately from taxes for county purposes, and

the revenues derived from said taxes or assessments shall be paid into the county treasury to the credit of the district.

5. No revenues from the taxes or assessments levied in one zone under this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any project or work of improvement located in any other zone, except in the case of joint projects or in the case of projects authorized or established outside such zone but for the benefit thereof.

6. The limitation established by subdivision 3 of this section is exclusive of the amounts necessary for interest and redemption of any bonds voted within any zone or subzone, and is exclusive of any taxes or assessments made or levied pursuant to Section 32.

SEC. 17. The board shall have power to prescribe, revise and collect fees or charges for services or facilities furnished or to be furnished to any building, improvement or structure by the use of any flood control or storm drainage system constructed or to be constructed in and by a zone of the district. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of the flood control or storm drainage facilities of the said zone, or to reduce the principal or interest of any bonded indebtedness thereof.

SEC. 18. 1. Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each project or work of improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of San Diego County. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

2. After the filing for record of the resolution specified in subdivision 1 of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

3. Said board shall call such special bond election by ordinance and not otherwise, to submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution, and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it

shall be sufficient to give a brief general description of such objects and purposes, and to refer to the recorded copy of such resolution adopted by said board and on file for particulars; and said ordinance shall also state the estimated cost of the proposed project or work of improvement, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such 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. The rate of interest to be paid on such indebtedness shall not exceed five percent (5%) per annum. For the purposes of said election, said board in said ordinance shall establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation published in the district and circulated in each zone and participating zone affected, the last publication of such ordinance to be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board in each zone and participating zone affected for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election a majority of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings may be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless a majority of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 19. Subject to the provisions of this act, the board shall prescribe by resolution the form of said bonds and of the interest coupons attached thereto, which resolution must include a designation of the zone or participating zone affected.

Said bonds shall be payable annually or semiannually, at the discretion of the board, each and every year on a day and date and at a place to be fixed by said board and designated in such bonds, together with the interest on all sums unpaid on such date, until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually. Said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor or treasurer of said district, and the seal of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor or treasurer by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

SEC. 20. The board may issue and sell the bonds of any such zones authorized as hereinbefore provided at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the County of San Diego to the credit of said district and the respective zone or participating zones thereof, for the uses and purposes of the zone or zones voting said bonds; and the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective zone funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling for such special bond election as aforesaid, subject to the provisions in this act contained. Payments from said zone funds shall be

made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of said county.

SEC. 21. Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied as provided in Section 22 of this act. No zone or the property therein shall be liable for the bonded indebtedness of any other zone, nor shall any moneys derived from taxation or assessments in any of the zones be used in payment of principal or interest or otherwise of the bonded indebtedness chargeable to any other zone, except where such bonded indebtedness has been incurred by participating zones for projects of mutual benefit.

SEC. 22. The board shall levy a tax or assessment each year sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective zones of issuance together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said San Diego County to the credit of the zone of issuance, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer of said county in the manner provided by law for the payment of principal and interest on bonds of said county. Taxes or assessments levied pursuant to this section are in addition to taxes and the maximum tax rates established in Section 16 hereof.

SEC. 23. The provisions of law of this state, prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are, so far as they are applicable, and not in conflict with the specific provisions of this act, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act. All property exempt from taxation or assessment for county purposes under the provisions of the Revenue and Taxation Code of the State of California is exempt from taxation or assessment for the purposes of this act. All dams having an impounding capacity of 2,500 acre-feet, and all upstream lands within the reservoir sites of said dams below the maximum spillway elevation, are exempt from taxation and assessment for the purposes of this act. Growing crops, property used for free public libraries and free museums, property used exclusively for public schools, and such as may belong to this state, or to any county, city and county, or municipal corporation within this state shall be exempt from taxation or assessment, except such lands and the improvements thereon located outside of the county, city and county or municipal corporation owning the same as were subject to taxation or

assessment at the time of the acquisition of the same by said county, city and county, or municipal corporation; provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation or assessment.

SEC. 24. A subzone formed or proposed to be formed under this act, or the acquisition of any property or the construction of any project or works of improvement thereby, shall not be subject to any of the provisions of the District Investigation Law of 1933.

SEC. 25. The bonds of the district, issued for the district or any zone thereof pursuant to this act, shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings, and trust companies, and for the state school funds, and whenever any money or funds may by law now or hereafter enacted be invested in bonds of cities, cities and counties, counties, school districts or municipalities in the State of California, such money or funds may be invested in the said bonds of said district issued in accordance with the provisions of this act, and whenever bonds of cities, cities and counties, counties, school districts or municipalities, may by any law now or hereafter enacted be used as security for the performance of any act, such bonds of said district may be so used.

This section of this act is intended to be and shall be considered the latest enactment with respect to the matters herein contained and any and all acts or parts of acts in conflict with the provisions hereof are hereby repealed.

SEC. 26. All bonds issued by said district under the provisions of this act shall be free and exempt from all taxation within the State of California. It is hereby declared that the district organized by this act is a reclamation district and an irrigation district within the meaning of Section 1¾ of Article XIII and Section 13 of Article XI of the Constitution of this state.

SEC. 27. Whenever bonds have been authorized by any zone or participating zone of said district and said bonds have been issued as in this act authorized, and the board shall by resolution determine that additional bonds should be issued for carrying out the work of flood control, or for any of the purposes of this act, the board may again proceed as in this act provided, and submit to the qualified voters of said zone or participating zone, the question of issuing additional bonds in the same manner and with like procedure as hereinbefore provided and all the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

SEC. 28. Should a proposition for issuing bonds for any zone or participating zones submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness for the purpose specified, the board shall not for six

months after such election call or order another election in such zone or participating zone for incurring indebtedness and issuing bonds under the terms of this act for the same objects and purposes.

SEC. 29. The repeal or amendment of this act shall not in any way affect or release any of the property in said district or any zone thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC. 30. The board may, with the consent of any holder or holders of outstanding bonds of the district, exchange refunding bonds bearing a lower rate of interest for such outstanding bonds.

Whenever any holder of outstanding bond or bonds shall have consented to such exchange, the board may, by resolution entered in its minutes, order the refunding of such bonds. The resolution shall designate the numbers, denominations, dates of maturity and aggregate principal amounts of the bonds so to be refunded and shall provide for the issuance of refunding bonds in exchange therefor, the form, numbers, denominations, dates of maturity and aggregate principal amounts of which shall be the same as the bonds so to be refunded. The resolution shall also fix the rate of interest said refunding bonds shall bear, which rate shall be less than the rate provided in the bonds to be refunded. The resolution shall also fix the form of the interest coupons attached to said refunding bonds, which shall be the same as the bonds so to be refunded, excepting that the rate and amounts of interest shall be less as hereinabove provided.

The refunding bonds shall be signed by the chairman of the board or such other member of the board as said board may by resolution designate, and shall be countersigned by the auditor or treasurer of the district, and the seal of said district shall be affixed thereto. The interest coupons shall be numbered consecutively and signed by the auditor or treasurer of said district by his printed, engraved or lithographed signature. In case any officer whose signature or countersignature appears on said bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

Each refunding bond may be exchanged for its corresponding outstanding bond as the board by agreement with the holder of such outstanding bond may determine, except that in effecting such exchange, any and all matured coupons on said refunding bonds shall be detached and canceled and the principal and accrued interest of both issues shall be accepted at par value and the district shall pay said holder in cash out of moneys in the bond interest fund of the district an amount equal to the difference between the interest on the outstanding

bond and on the refunding bond accrued to the date of such exchange.

When any refunding bonds shall have been exchanged, taxes shall be levied and collected to pay the principal and interest thereof as provided by Section 22, all the provisions of which section shall apply to said refunding bonds to the same extent as to original issues.

The refunding bonds shall also be legal investments for fiduciaries and others as provided in Section 25.

SEC. 31. In the event that the board should determine that the entire district will benefit from a project or work of improvement it may institute such project and may proceed to issue and sell bonds sufficient to finance the same, all in the manner prescribed in this act for bonds for zones.

SEC. 32. Whenever the board shall determine by resolution that facts exist which make a special assessment, or an increase in the tax rate, for a specified time, above the limits set forth in Section 16, preferable in the best interests of the district or of a zone to incurring a bonded indebtedness for paying all or any part of the cost of any project or work of improvement or for carrying out any contracts for any purpose of the district or such zone, the board may levy special assessments, or levy and collect taxes within the limits established by such an increased tax rate, as hereinafter provided. The facts making such a special assessment or increase in the tax rate preferable to a bonded indebtedness shall be stated in the resolution. Such special assessments shall be payable in equal annual installments, or such increase in the tax rate shall be effective, over a period of not more than forty (40) years, and shall be levied only after being duly authorized by a majority of the votes cast by the qualified voters of the district or such zone voting at an election held for that purpose.

Except as in this section otherwise provided, the procedure and requirements of this act for notices and elections for issuances of district bonds shall apply with like effect to special assessments or increased taxes levied hereunder. If such special assessments are to be levied in annual installments, the ballot shall specify the number of such installments; if the tax rate is to be increased for more than one year, the ballot shall specify the total number of years such tax rate increase will be in effect.

The funds raised by such special assessment or such increase in the tax rate shall be placed in the treasury of the county to the credit of the district and said funds shall be applied exclusively to the purposes and objects of the district or of the zone mentioned in the ordinance calling the special election. Payments from said fund shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon the funds of the county.

The provisions of this act relative to taxes for the payment of bonds and the liability of property for the payment of such

taxes shall apply with like effect to the payment of special assessments as levied hereunder.

SEC. 33. All contracts for any project or work of improvement when the cost thereof according to the estimate of the engineer will exceed five thousand dollars ($5,000), exclusive of the estimated cost of materials or supplies, shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district.

The board shall make call for bids and publish such call pursuant to Section 6063a of the Government Code in a daily newspaper of general circulation or pursuant to Section 6062a of the Government Code in a weekly newspaper of general circulation in the district inviting sealed proposals for the construction or performance of the work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor, or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may, without advertising for bids therefor, have said work done by day labor, under the direction of the board by contract, or by a combination of the two. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any project or work of improvement or for any other purpose; provided, however, that materials and supplies for use in any new construction project or work of improvement, except work referred to in the proceeding sentence, may not be purchased if the cost thereof exceeds three thousand five hundred dollars ($3.500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

If any change or alteration in a contract awarded under the provisions of this section is deemed necessary and the cost thereof does not exceed ten percent (10%) of the original con-

tract price, the board may authorize the contractor to proceed with the change or alteration without the formality of obtaining bids therefor. If a change or alteration in a contract awarded under the provisions of this section is requested by any person or public agency, other than the district, which person or public agency agrees to pay all or a portion of the cost of such change or alteration, the board may authorize the contractor to proceed with such change or alteration without the formality of obtaining bids therefor, provided that the cost of such change or alteration does not exceed fifteen percent (15%) of the original contract price. The aggregate cost of all change orders shall not exceed twenty-five percent (25%) of the original contract price.

SEC. 34. Any improvement for which bonds are voted under the provisions of this act shall be made in conformity with the report, plans and specifications theretofore adopted, as specified above, unless the doing of any of the project or work of improvement described in said report shall be prohibited by law, or be rendered contrary to the best interests of the district by some change of conditions in relation thereto, subsequent to the date of filing the report, plans and specifications theretofore adopted, in which event the board may order necessary changes made in such proposed project or work of improvement and may cause any plans and specifications to be made and adopted therefor.

SEC. 35. Notwithstanding any provisions of this act to the contrary, in the event the proceeds from the sale of bonds of any zone are invested temporarily in United States bonds, notes, or certificates of indebtedness, or in other legal investments, pending the expenditure of said funds for the purpose or purposes for which said indebtedness was incurred, any revenue or interest received or accruing therefrom may be used to pay the annual or semiannual installments of principal and/or interest on said bonds as the same become due.

SEC. 36. In the event there is proposed a cooperative project with any of the governmental bodies or agencies described in subdivision 6 of Section 6 of this act whereby such governmental body is to do some project or work of improvement in a specified zone or subzone for the particular benefit thereof, which cooperative project requires the making of a contract with such governmental body for the purposes set forth in said subdivision 6 and by which contract the district is to pay to such governmental body a sum of money in consideration or subvention for the performance of the project or work of improvement, the board may levy and collect a special tax or assessment upon the property in such zone or subzone in order to raise funds to enable the district to make such payment. Such tax or assessment shall be in addition to the other taxes and assessments otherwise provided for in this act. No such tax or assessment shall be levied or collected until the imposition thereof is approved by a majority of the votes cast at an election held in such zone or subzone, which election shall

be conducted in the same manner as is provided in this act for conducting a bond election.

SEC. 37. Except to the extent otherwise provided by this act, or to the extent that the board otherwise provides by ordinance, elections required or permitted to be held by this act shall be held as nearly as practicable in conformity with the general election laws of the state.

SEC. 38. There is hereby granted to the district the right-of-way for the location, construction, and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dikes, embankments, and protective works in, over and across public lands of the State of California, not otherwise disposed of or in use and not in any case exceeding in length or width that which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the district the board thereof must transmit to the State Lands Commission, the Controller of the State and the recorder of the county in which the selected lands are situated a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission shall approve the selections so made it shall endorse its approval upon the plat and issue to the district a permit to use such right-of-way and lands.

SEC. 39. (a) If by any judgment in condemnation or agreement the district shall be required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board shall have power to acquire in the name of the district, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with said agreement or said judgment of condemnation and thereafter to make such conveyance of such relocated street, road, highway, railroad, canal, or other property as may be proper to comply with said agreement or judgment.

(b) In the event the district and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the district, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission; and jurisdiction of such controversies is hereby vested in said commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained, and determined in the manner prescribed in Chapter 6 (commencing at Section 1201) of Part 1 of Division 1 of the Public Utilities Code.

SEC. 40. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6

of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 41. The district formed under this act, in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this state in and for the County of San Diego by filing with the clerk of said county a complaint setting forth the name of the district, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal flood control district formed under the provisions of this act. The summons in such proceeding shall be served by publishing a copy thereof pursuant to Section 6064 of the Government Code in a newspaper of general circulation published in said county. Within thirty (30) days after proof of publication of said summons shall have been filed in said proceeding, the state, any property owner or resident in said district, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the district and shall be served upon the County Counsel of the County of San Diego before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the district and the State of California.

SEC. 42. The board may require any officer or employee to give bond for the faithful performance of the duties of his office, in such penal sum as may be fixed by the board. When deemed expedient by the board, a master bond may be used which shall provide coverage on more than one officer, employee or agent of the district who is required by the district to give bond. Such bond shall be in the form and for the term which is approved by the board. The premium for such bond shall be paid by the district.

SEC. 43. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in said district, and shall be held by said district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided; and said board may determine, by resolution duly entered in their minutes that any property, real or personal, held by said district is no longer necessary to be retained for the uses and purposes thereof, and may thereafter sell, lease or otherwise dispose of said property in the manner prescribed by law for such action by counties; provided, however, that notwithstanding any other provision of law, the board may grant an easement or permit for use of any real property of the district to the state, to any county, city, district, or public agency or corporation, to any public utility corporation or to any person upon such terms and conditions as the board sees fit, upon a finding by the board

that the granting of the interest in land conveyed is in the public interest and will not substantially conflict or interfere with the use of said property by the district for the purpose for which it was acquired.

SEC. 44. The board by resolution may authorize the district to provide advisory services relating to zoning or land use regulation, or advisory and inspection services relating to drainage plans for proposed subdivisions, to any county or city requesting the same and agreeing to reimburse the district for the cost of such services

SEC. 45. 1. All or any part of the incorporated territory of any city may be annexed to the district; provided however: (a) where all the incorporated territory of the city lies entirely within the boundaries of a single zone as described in Section 4 of this act no territory of such city shall be annexed to the district unless all the incorporated territory of such city is annexed to the district and such zone; and (b) where incorporated territory of a city lies within the boundaries of two or more zones described in Section 4 of this act, no portion of the incorporated territory of such city lying within the boundaries of any one such zone shall be annexed to the district unless all of the incorporated territory of the city lying within the boundaries of such zone is annexed to the district and such zone.

2. Unless otherwise provided in the resolution or order annexing territory to the district, upon the effective date of such annexation, the boundaries of the district shall be automatically modified to include therein the territory annexed and the annexed territory shall become automatically a part of the zone or zones within which it lies.

3. The resolution or order annexing territory to the district may, in addition to other matters, upon finding and determining that such area will be benefited thereby, provide that all or any part of such territory annexed shall be included within and become a part of any then existing subzone, or participating subzones and may order the boundaries of such subzone or participating subzones be altered or modified to include such territory so annexed.

SEC. 46. Notwithstanding Section 56039 of the Government Code, the district shall be deemed to be a "district" within the provisions of the District Reorganization Act of 1965 (Division 1 (commencing with Section 56000) of Title 6 of the Government Code), and all proceedings for the annexation or detachment of territory to or from the district shall be conducted in the manner therein provided and all the provisions of said act shall apply to the district.

The annexation of territory lying within the district to any city shall in no way affect the jurisdiction or boundaries of the district in regard to such territory and said territory shall remain within and a part of the district for all purposes until proceedings to detach such territory from the district have been taken and completed as provided herein.

SEC. 47. This act, and every part thereof, shall be liberally construed to promote the object thereof, and to carry out its intents and purposes. Nothing contained herein shall be construed to limit or preclude the full exercise of any power or authority by any county, city, district, public or municipal corporation or authority or any political subdivision that may now or hereafter exist, wholly or in part, within or without the district, regarding the joint or separate planning, financing, sponsorship, design, construction, reconstruction, maintenance or repair of any project with or without participation of the district, although such be of the same or similar nature as those exercisable by the district.

SEC. 48. If any provision of this act, or the application thereof to any person or circumstance, is held invalid the remainder of the act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

CHAPTER 56

An act to amend Sections 42296, 43006, 44750 and 47325 of, and to add Sections 42297 and 45560 to, the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1966. Filed with Secretary of State May 4, 1966.]

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

SECTION 1. Section 42296 of the Water Code is amended to read:

42296. An improvement district shall be governed, and its business shall be conducted, by the board and officers of the district in the name of the improvement district. An improvement district shall not have its own officers or employees. The board and each of the officers of the district, respectively, shall have all the rights, powers and privileges as to an improvement district, its land and the proceedings in relation to the improvement district that each respectively has as to the district of which the improvement district is a part.

SEC. 2. Section 42297 is added to said code, to read:

42297. All of the provisions of this part, except Section 42280, all of the provisions of Part 6 (commencing with Section 43000) of this division, all of the provisions of Part 7 (commencing with Section 44400) of this division, all of the provisions of Part 8 (commencing with Section 45100) of this division, all of the provisions of Part 9 (commencing with Section 46000) of this division, and all of the provisions of Part 10 (commencing with Section 48000) of this division except Chapter 2.6 (commencing with Section 48350) shall apply

to an improvement district in the same manner as they apply to the district which includes the improvement district and as though the term "improvement district" were used in place of the word "district" at each place where said word appears in any of said provisions except when said word is used as a part of the term "other district" and the improvement district and the board and officers of the district shall have all of the powers, with respect to the improvement district, that are stated in said provisions.

SEC. 3. Section 43006 of said code is amended to read:

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

SEC. 4. Section 44750 of said code is amended to read:

44750. The proceeds of sale of district bonds shall be placed in the treasuries of the respective affected counties to the amount of the unpaid assessment in each county and credited to the bond fund of the district, except that any premium received upon the sale of district bonds shall be credited to the bond reserve fund of the district if the resolution of the board directing the sale of the bonds so provides.

SEC. 5. Section 45560 is added to said code, to read:

45560. The board may determine to establish a bond reserve fund for the payment of the principal of or interest on the bonds. Such a bond reserve fund may be established from the premium, if any, received upon the sale of the bonds or from tolls or charges levied pursuant to Section 43006, or from both such sources. Except as otherwise provided by the board in the resolution determining to establish a bond reserve fund, any moneys deposited in such a fund shall be used solely for the payment of the principal of and interest on the bonds in the event that other available moneys of the district are insufficient therefor. When all of the principal of and interest on the bonds have been paid, the balance of the money remaining

in the bond reserve fund may be applied to any lawful purpose of the district.

SEC. 6. Section 47325 of said code is amended to read:

47325. At least 90 days before any interest date of the bonds, the treasurer of the district shall certify to the county treasurer of each affected county an estimate of the amount of money and the percentage of the assessment together with the interest thereon, or only of the interest, necessary to pay interest and principal or the interest maturing on the interest date after crediting thereon the funds in the treasury applicable to the payment thereof, to be collected by such county treasurer, and shall add thereto 15 percent of such aggregate sum to cover possible delinquencies. In determining the amount of the funds in the treasury applicable to such payment and to be so credited, the treasurer of the district shall not take into account the bond reserve fund, if any, applicable thereto unless he is directed to do so by the board in accordance with the terms upon which the bond reserve fund was established.

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:

Several water storage districts and improvement districts therein are now proceeding with the planning, financing and construction of irrigation projects to enable them to provide needed water for agriculture in such districts by utilizing the supply which will soon become available from the State of California. In order to facilitate the financing of these projects and to assure their completion as soon as practicable, and thereby to make provision for the water needed to preserve the health and safety of the citizens residing in the affected areas, it is now necessary to clarify the powers of such improvement districts and to provide for bond reserve funds so as to make bonds of water storage districts and improvement districts therein more secure and marketable, and it is therefore essential that this act go into immediate effect.

CHAPTER 57

An act relating to constitutional amendments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1966. Filed with Secretary of State May 4, 1966.]

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

SECTION 1. A proposed constitutional amendment adopted by the Legislature at a regular session pursuant to the provisions of Section 1 of Article XVIII of the State Constitution

may be rescinded, prior to its submission to the people for approval and ratification, at any session of the Legislature prior to the next general statewide election at which Members of the Legislature are elected, by law or concurrent resolution adopted by a recorded vote of two-thirds of the elected membership of each of the two houses voting in favor thereof, if the Legislature finds it necessary for the public health, safety and welfare to do so and sets forth in the law or resolution the facts constituting such necessity, by directing the Secretary of State as to the form or manner in which the proposal is to be submitted to the people, or by directing the Secretary of State not to place the measure on the ballot, respectively.

The Secretary of State shall comply with the directions of the Legislature expressed as provided in this section.

SEC. 2. The Legislature hereby finds and declares that it is necessary to rescind its action in adopting Assembly Constitutional Amendment No. 8 of the 1965 Regular Session which became Chapter No. 181 of the 1965 Statutes. The facts constituting such necessity are:

Adoption of the proposed constitutional amendment would, because of ambiguous language incorporated in the amendments of Section 18 of Article XI of the State Constitution, delay urgently needed financing by local governmental agencies pending necessary court actions to secure the interpretation of the ambiguous language.

SEC. 3. Assembly Constitutional Amendment No. 8 of the 1965 Regular Session as Resolution Chapter No. 181 of the 1965 Statutes is hereby rescinded, and the Secretary of State shall not submit it to the people of the state for approval or ratification

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

Many school districts which will be affected by the provisions of Assembly Constitutional Amendment No. 8 (Resolution Chapter 181, 1965 Statutes) are in immediate need of additional capital outlay funds to be raised by bond issues but are reluctant to call bond elections until the constitutional amendment is defeated, or if adopted until the amendment is judicially clarified. In order that such school districts may provide for the needed capital outlay funds as soon as possible so as to meet the educational needs of their students, it is imperative that this act go into immediate effect.

CHAPTER 58

An act to amend Sections 448a and 451a of, to amend and renumber Sections 600 and 600.5 of, to repeal Section 653l of, and to add Sections 452, 454 and 455 to, the Penal Code, relating to arson.

[Approved by Governor May 6, 1966. Filed with Secretary of State May 9, 1966.]

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

SECTION 1. Section 448a of the Penal Code is amended to read:

448a. Any person who willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any barn, stable, garage or other building, whether the property of himself or of another, not a parcel of a dwelling house; or any shop, storehouse, warehouse, factory, mill or other building, whether the property of himself or of another; or any church, meetinghouse, courthouse, workhouse, school, jail or other public building or any public bridge; shall, upon conviction thereof, be sentenced to the penitentiary for not less than 2 nor more than 20 years.

SEC. 2. Section 451a of said code is amended to read:

451a. Any person who willfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, is guilty of a felony.

The placing or distributing of any flammable, explosive or combustible material or substance, or any device in or about any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually willfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of the same shall, for the purposes of this act constitute an attempt to burn such building or property.

SEC. 3. Section 452 is added to said code, to read:

452. (a) Every person who possesses any flammable, explosive or combustible material or substance, or any device in an arrangement or preparation, with intent to willfully and maliciously use such material, substance or device to set fire to or burn any buildings or property mentioned in this chapter, is punishable by imprisonment in the state prison, not exceeding five years, or in the county jail, not exceeding one year.

(b) Every person who possesses, manufactures or disposes of a fire bomb is guilty of a felony.

For the purposes of this subdivision, "disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

For the purposes of this subdivision, a "fire bomb" is a breakable container containing a flammable liquid with a flash

point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for the purposes of this subdivision.

(c) Subdivisions (a) and (b) of this section shall not prohibit the authorized use or possession of any material, substance or device described therein by a member of the armed forces of the United States or by firemen, police officers, peace officers, or law enforcement officers authorized by the properly constituted authorities; nor shall those subdivisions prohibit the use or possession of any material, substance or device described therein when used solely for scientific research or educational purposes, or for disposal of brush under permit as provided for in Section 4494 of the Public Resources Code, or for any other lawful burning. Subdivision (b) of this section shall not prohibit the manufacture or disposal of a fire bomb for the parties or purposes described in this subdivision.

SEC. 4. Section 454 is added to said code, to read:

454. Every person who violates the provisions of Sections 447a, 448a, 449a, 449b, 449c or 450a during and within the area of a state of insurrection, a state of disaster or a state of extreme emergency as proclaimed by the Governor pursuant to Sections 143, 1575 or 1580, respectively, of the Military and Veterans Code, provided that such state of disaster or extreme emergency is proclaimed because of riot, is punishable by imprisonment in the state prison for not less than five years.

SEC. 5. Section 455 is added to said code, to read:

455. Upon conviction of any person for a violation of any provision of this chapter, the court may order that such person, for the purpose of sentencing, submit to a psychiatric or psychological examination.

SEC. 6. Section 600 of said code is amended and renumbered to read:

449b. Every person who willfully and maliciously burns any bridge exceeding in value fifty dollars ($50), or any structure, snowshed, vessel, or boat, not the subject of arson, or any tent, or any stack of hay or grain or straw of any kind, or any pile or baled hay or straw, or any pile of potatoes, or beans, or vegetables, or produce, or fruit of any kind, whether sacked, boxed, crated, or not, or any fence, or any railroad car, lumber, cordwood, railroad ties, telegraph or telephone poles, or shakes, or any tuleland or peatground of the value of twenty-five dollars ($25) or over, not the property of such person is punishable by imprisonment in the state prison for not less than 1 year, nor more than 10 years.

SEC. 7. Section 600.5 of said code is amended and renumbered to read:

449c. Every person who willfully and maliciously burns any growing or standing grain, grass or tree, or any grass, forest,

woods, timber, brush-covered land, or slashing, cutover land, not the property of such person is punishable by imprisonment in the state prison for not less than 1 year, nor more than 10 years.

SEC. 8. Section 653*l* of said code is repealed.

CHAPTER 59

An act to amend Section 74926 of the Government Code, relating to court attachés and employees

[Approved by Governor May 6, 1966 Filed with Secretary of State May 9, 1966]

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

SECTION 1. Section 74926 of the Government Code is amended to read:

74926. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the following salary schedule:

Salary Schedule

	Step A	Step B	Step C	Step D	Step E
Clerk, Muncipal Court	$570	$599	$628	$660	$693
Assistant Clerk, Municipal Court	458	481	505	530	556
Senior Clerk	341	358	376	395	415
Intermediate Clerk-Typist	310	325	341	358	376
Marshal	625	625	625	625	625
Deputy marshal	458	481	505	530	556

CHAPTER 60

An act to add Chapter 1.8 (commencing with Section 5098) to Division 5 of the Public Resources Code, relating to a National California Coastal Scenic Redwood Road, and making an appropriation therefor

[Approved by Governor May 12, 1966 Filed with Secretary of State May 12, 1966]

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

SECTION 1. Chapter 1.8 (commencing with Section 5098) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.8. NATIONAL CALIFORNIA COASTAL SCENIC REDWOOD ROAD

Article 1. General Provisions

5098. The Legislature of the State of California hereby finds and declares it desirable to create a National California Coastal Scenic Redwood Road and Trails System in or near the coastal and natural redwood forested areas of California lying generally between the northernmost extension of the Cabrillo State Scenic Highway in Monterey County and the common boundary line of the States of California and Oregon in order to:

(a) Preserve and, where possible, to enhance the scenic and aesthetic values of existing highways in this area.

(b) Provide new and improved scenic opportunities to the motoring public in this area through the upgrading of portions of existing highways to scenic highways, and where appropriate to parkway standards, or through the construction of new scenic highways and parkways, as part of or adjunctive to the National Parkway System, the State Scenic Highway System, and the State Parkway System.

(c) Provide a supplementary system of byways designed to serve exclusive scenic-recreation uses in the area with appropriate utilization of secondary local roads, superseded highways and abandoned rights of way along realigned highways, or through new construction, to be located in areas where the opportunity for public exposure of significant natural scenic values might not otherwise be provided.

(d) Provide a system of areas and facilities which are compatible with, and which will complement the parkway routes, including, but not limited to, pedestrian, equestrian and bicycle trails, wayside parks and campgrounds, historical units, roadside rests, scenic viewpoints, commercial development related to needs of the traveling public, signs, public information and interpretive services.

Article 2. The National California Coastal Scenic Redwood Road Committee

5098.1. The National California Coastal Scenic Redwood Road Committee, hereafter referred to in this article as the committee, is hereby created The committee shall consist of 12 members appointed by the Governor, one each from Del Norte, Humboldt, Marin, Mendocino, Monterey, San Francisco, San Mateo, Santa Clara, Santa Cruz and Sonoma Counties and two from the state-at-large Members of the committee shall serve at the pleasure of the Governor. They shall serve without compensation but shall be reimbursed for all necessary expenses incurred in the performance of their duties.

5098.2. The committee shall study and shall develop and present recommendations upon:

(a) The scope and general characteristics of a National California Coastal Scenic Redwood Road and Trails System;

(b) A general route for the National California Coastal Scenic Redwood Road, but not including detailed alignments thereof;

(c) General criteria for construction of the road and its supplementary facilities, not including specific engineering or technical design requirements therefor;

(d) Ways and means of financing the construction and maintenance of a National California Coastal Scenic Redwood Road and Trails System;

(e) Responsibility for the administration and physical maintenance of a National California Coastal Scenic Redwood Road and Trails System;

(f) Aesthetic and architectural characteristics of public service structures, signs, markers, and other structural works within the National California Coastal Scenic Redwood Road and Trails System;

(g) Scenic corridor protection through adjacant land use programs, controls and restrictions;

(h) General criteria for vehicle access and traffic service characteristics of project facilities;

(i) Coordination of federal, state, local and private activities directly related to the development and requirements of a National California Coastal Scenic Redwood Road and Trails System;

(j) General procedures and schedules for the planning and implementation of a National California Coastal Scenic Redwood Road and Trails System;

(k) General legislative action as might be required at federal, state and local levels for the fulfillment of the objectives of this study.

5098.3. The committee is hereby authorized and directed to:

(a) Organize itself as it may deem appropriate for the purposes of carrying out the objectives of this study;

(b) Receive and accept grants and gifts in behalf of the state including but not limited to funds, real property, easements and development rights for the National California Coastal Scenic Redwood Road and Trails System;

(c) Call meetings, conduct research, disseminate information, publish reports, and otherwise conduct such activities as may be consistent with the general provisions of this chapter.

5098.4. The committee shall complete its studies and make its recommendations and final report thereon to the Legislature by February 5, 1968. The committee shall make an interim progress report to the Legislature on January 2, 1967.

5098.5. The committee may appoint advisory committees comprised of representatives of local governments, business,

industry, labor, professional and civic leaders from areas having a direct or potential concern with respect to the National California Coastal Scenic Redwood Road.

5098.6. The committee may hold public hearings, defray expenses, and retain consultants.

5098.7. Notwithstanding any other provision of this chapter, any criteria developed by the committee shall meet at least the minimum standards adopted by the Advisory Committee on a Master Plan for Scenic Highways.

Article 3. Termination

5098.8. This chapter shall remain in effect until the ninety-first day after the final adjournment of the 1968 Regular (Budget) Session of the Legislature, and shall have no force or effect after that date.

SEC. 2. The sum of ten thousand dollars ($10,000) is hereby appropriated from the General Fund to the National California Coastal Scenic Redwood Road Committee created by Chapter 1.8 (commencing with Section 5098), Division 5 of the Public Resources Code for support of the committee during the 1966-1967 fiscal year.

CHAPTER 61

An act to amend Section 689b of the Code of Civil Procedure; to amend Sections 11557 and 12805 of the Government Code; to amend Sections 651, 653, 654.1, 656, 658, 660, 669, 670, 671, 672, 680.2, 681, 700, 701, 702, 702.1, 704, 708, 710, 711, 714, 715, 716, 717, 718, 719, 720, 750, 752, 753, 761, 762, 764, 766, 767, 768, 769, 772, 3901, and 3950 of, to amend and renumber the heading of Division 1 (commencing with Section 90) of, to amend and renumber Sections 681.5, 682, 683, and 684 of, to add Division 1 (commencing with Section 30) to, and to add Sections 681.2, 681.4, 681.6, 681.8, 682, 682.2, 682.4, 682.6, 682.8, 683, 683.2, 683.4, 683.6, 683.8, 684, 684.2, 684.4 and 684.6 to, the Harbors and Navigation Code; to amend Sections 503 and 507 of, to repeal Sections 513, 514, and 6304.5 of, to repeal Article 3 (commencing with Section 560), Chapter 1, Division 1 of, to repeal Division 5.7 (commencing with Section 5801) of, and to repeal Chapter 8 (commencing with Section 6499.5), Part 1, Division 6 of, the Public Resources Code; to amend Section 8352 of the Revenue and Taxation Code; and to amend Section 84 of the Streets and

Highways Code, relating to harbors and navigation, and making an appropriation.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 12, 1966.]

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

SECTION 1. Section 689b of the Code of Civil Procedure is amended to read:

689b. (1) Where the property levied upon is a vehicle required to be registered with the Department of Motor Vehicles or a vessel required to be registered with the Department of Harbors and Watercraft, the officer shall forthwith determine from such department, as the case may be, the name and address of the legal owner of the vehicle or vessel and shall notify any such legal owner who is not also the registered owner of such vehicle or vessel of the levy by registered mail or certified mail or personal service.

(2) A seller or mortgagee may file with the officer levying on personal property a verified written claim, together with a copy thereof, containing a detailed statement of the sales contract or mortgage and the total amount of sums due or to accrue to him under the contract or mortgage, above setoffs, with interest to date of tender, and also stating therein his address within this state for the purpose of permitting service by mail upon him of any notice in connection with said claim. The officer making the levy may demand and exact the payment or undertaking herein provided for, notwithstanding any defect, informality or insufficiency of the verified claim delivered to him.

(3) Within five days after being served with such verified claim the officer levying on such property must make demand by registered mail or certified mail on the plaintiff or his attorney for the amount of the claimed debt and interest due to date of tender or the delivery to the officer of an undertaking and statement as hereinafter provided, which demand shall include the copy of such claim.

(4) Within five days after receipt by the plaintiff or his attorney of such officer's demand the plaintiff shall deposit with the officer the amount of such debt and interest or deliver the undertaking and statement hereinafter provided, or the levying officer must release the property.

(5) Within five days after receipt by him of such deposit the officer must pay or tender same to the seller or mortgagee; provided, that should such deposit be made by check the officer shall be allowed a reasonable time for check to clear.

(6) If the tender is accepted, all right, title, and interest of the seller or mortgagee in the property levied upon shall pass to the party to the action making the payment.

(7) If the tender is refused, the amount thereof shall be deposited with the county treasurer, payable to the order of the seller or mortgagee.

(8) Until such payment or deposit covering such claim is made, or the undertaking and statement herein provided delivered to the officer, the property cannot be sold under the levy; but when made (and also in case the seller or mortgagee fails to render his claim within 30 days after the personal service upon him of a written demand therefor, which service must be attested by the certificate of the serving officer, filed before the sale with the papers of the action wherein the attachment or execution was issued), then the officer must retain the property, and, in the case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee. Such written demand of the levying officer may be served by him, or for him by any sheriff, marshal, or constable whose office is closer to the place of service, and whose fees and mileage shall be paid out of the prepaid fees in the possession of the levying officer.

(9) When an attachment or execution creditor presents to the officer, within the time allowed from the officer's demand, a verified statement that the sales contract or mortgage is void or invalid for the reasons specified therein, and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the seller or mortgagee or double the value of the personal property as the officer may determine and require, the officer shall retain the property and in case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee.

The undertaking shall be made to the seller or mortgagee and shall indemnify him for the taking of the property against loss, liability, damages, costs and counsel fees. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking on attachment.

If such undertaking be given, such officer shall not be liable for damages to any such claimant for the taking, keeping, or sale of such property in accordance with the provisions of this code.

(10) Whenever a verified claim herein is delivered to the officer as herein provided, upon levy of execution or attachment (whether any undertaking hereinabove mentioned be given or not), the plaintiff, or the person in whose favor the writ runs, the claimant, or any one or more such joint claimants, shall be entitled to a hearing in the court in which the action is pending or from which the writ issued for the purpose of determining the validity of such sales contract or chattel mortgage. Such hearing may be had and taken, and stay of execution or other order made in the same manner as on third party claims under Section 689 of this code. At the conclusion of the hearing the court shall give judgment determining the

validity of the claim under the sales contract or chattel mortgage which shall be conclusive between the claimant and the plaintiff, or other person in whose favor the writ runs. The court in which the action is pending, or which issued such writ, shall have original jurisdiction in all proceedings under this section.

If the property shall have been released by the officer for want of an undertaking or payment, and final judgment shall go for the plaintiff or other person in whose favor the writ runs, the officer shall retake the property on such writ, if the writ shall still be in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take such property.

SEC. 15. Section 11557 of the Government Code is amended to read:

11557. An annual salary of twenty-one thousand five hundred dollars ($21,500) shall be paid to each of the following:

(a) Director of California Disaster Office.

(b) Director of Professional and Vocational Standards.

(c) Director of Harbors and Watercraft.

SEC. 2. Section 12805 of said code is amended to read:

12805. The Resources Agency consists of the State Water Rights Board, the State Water Quality Control Board, and each regional water pollution control board, and the following departments: Conservation; Fish and Game; Harbors and Watercraft; Parks and Recreation; and Water Resources

SEC. 3. The heading of Division 1 (commencing with Section 90) of the Harbors and Navigation Code is amended and renumbered to read:

DIVISION 1.5. NAVIGABLE WATERS

SEC. 4. Division 1 (commencing with Section 30) is added to said code, to read:

DIVISION 1. DEPARTMENT OF HARBORS AND WATERCRAFT AND THE HARBORS AND WATERCRAFT COMMISSION.

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

30. Unless the context otherwise requires, the general provisions and definitions in this chapter govern the construction of this division.

31. "Commission" means the the Harbors and Watercraft Commission.

32. "Department" means the Department of Harbors and Watercraft.

33. "Director" means the Director of Harbors and Watercraft.

34. "Harbor" means a portion of the ocean or inland waters within the jurisdiction of this state either naturally or artificially protected so as to be a place of safety for vessels, including the artificially protective works, the public lands ashore and the structures and facilities provided within the enclosed body of water and ashore for the mooring and servicing of vessels and the servicing of their crews and passengers.

35. "Channel" means any waterway now navigable in fact by vessels or artificially improved or created so as to be navigable by vessels, including the structures and facilities created to facilitate navigation.

36. "Navigable waters" means waters which come under the jurisdiction of the United States Corps of Engineers and any other waters within the state with the exception of those privately owned.

37. The Department of Harbors and Watercraft and the Harbors and Watercraft Commission are the successors to, and are vested with, all the powers, functions, and jurisdiction of the State Lands Commission with respect to the acquisition, construction, development, improvement, maintenance, and operation of small craft harbors, pursuant to this division. Whenever, by any statute now in force or that may be hereafter enacted, such a power, function, or jurisdiction is imposed or conferred upon the State Lands Commission, such power, function, or jurisdiction shall be deemed to be imposed or conferred upon the Department of Harbors and Watercraft and the Harbors and Watercraft Commission pursuant to this division. Nothing in this section or in this division shall divest the State Lands Commission of jurisdiction with respect to the leasing of state lands, including state lands used for small craft harbors under this division, for the extraction and removal of oil and gas and other minerals.

38 The adoption, repeal, amendment or modification of any rules and regulations pursuant to this division shall be made in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

39. Any construction or development authorized by this division which also constitutes a project within the definition of Section 14254 of the Government Code shall when performed by the state be subject to the provisions of the State Contract Act, except that references therein to Department of Public Works shall mean Department of Water Resources

40. Facilities in harbors and connecting waterways established under the provisions of this division shall be open to all on equal and reasonable terms.

CHAPTER 2. DEPARTMENT OF HARBORS AND WATERCRAFT

Article 1. Administration

50. There is in the Resources Agency, the Department of Harbors and Watercraft The department is the successor to and is vested with all of the powers, functions, and jurisdiction of the Division of Small Craft Harbors of the Department of Parks and Recreation, which is hereby abolished.

Whenever the term Division of Small Craft Harbors is used in any provision of law, it shall be construed as referring to the Department of Harbors and Watercraft.

50.2. The department shall be administered by an executive officer known as the Director of Harbors and Watercraft, in accordance with general policies established by the Harbors and Watercraft Commission. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive an annual salary as provided in Section 11557 of the Government Code. The appointment of any director appointed by the Governor shall be subject to confirmation by the Senate.

50.4. The director, before entering upon his duties, shall execute and deliver to the state an official bond in the sum of twenty-five thousand dollars ($25,000) conditioned upon the faithful performance of his duties.

50.6. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the director. The director may appoint, in accordance with civil service, such deputies, officers, and other employees as may be necessary.

50.8. The director, with the approval of the Governor, may arrange and classify the work of the department and consolidate, abolish, or create divisions thereof.

Article 2. General Powers

60. The Resources Agency shall represent the State of California and the Governor of California in relationships with the Chief of Engineers, United States Army, and his authorized agents for the purposes set forth in this division.

60.2. The department may enter into agreements with the United States and with any county, city, district, or other political subdivision of this state in connection with participation with the United States in any project in which the department may act and may, also, provide such adjustments which, in the judgment of the department, are in the best interest of the State of California.

60.4. The department may enter into any contract of agreement with the United States Department of the Army or any other agency or instrumentality of the United States, for the dredging of harbors and the erection of breakwaters, piers, or any other device for the protection of vessels.

60.6. The department may enter into any contracts or agreements that may be necessary in carrying out the provisions of this division including agreements to hold and save the United States free from damages due to the construction and maintenance by the United States of such works as the United States shall undertake.

60.8. The department may do any act or enter into any contract or agreement desirable in carrying out the purposes of this division.

61. The department may take such action as may be necessary to take advantage of any act of Congress heretofore or hereafter enacted which may be of assistance in carrying out the purposes of this division.

61.2. For the purposes of this division, the department may receive and accept for the state any gift, devise, grant or other conveyance of title to or any interest in real property. It may receive and accept gifts, donations, contributions, or bequests of money to be used in acquiring title to or any interest in real property or in improving it, in connection with the development and operation of small craft harbors and connecting waterways. It may also receive and accept personal property for such purposes.

61.4. The director, with approval of the Director of Finance, may accept on behalf of the department federal grants for the purposes for which the department is established. Such grants shall be deposited in the Special Deposit Fund in the State Treasury provided for by Section 16370 of the Government Code, and may be expended under such terms and conditions as may be required by the federal government.

61.6. The department may expend the money in any appropriation or in any special fund in the State Treasury made available by law for the administration of the statutes the administration of which is committed to the department, or for the use, support, or maintenance of any board, bureau, commission, department, office or officer whose duties, powers, and functions have been transferred to and conferred upon the department. Such expenditures by the department shall be made in accordance with law in carrying out the purposes for which the appropriations were made or the special funds created.

61.8. The department shall have possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of all bodies, offices, and officers whose duties, powers, and functions have been transferred to and conferred upon the department.

62. The department, with the approval of the Department of General Services, may transfer, sell or otherwise dispose of personal property under its jurisdiction, and may contract with other public agencies for its custody.

62.4. Whenever the department has received and deposited any money in the State Treasury to the credit of the General

Fund in an excessive amount or in error, or whenever a refund of all or a portion of such money is due any person, firm, or corporation because of the termination of an agreement or other lawful reason, payment of such refund shall be made upon the filing of a claim by the director with the State Controller. The State Controller shall draw his warrant for payment of the refund from any appropriation made for that purpose.

62.6. The department, with the approval of the Department of General Services, may procure insurance on vessels owned or operated by the department against the usual hazards in addition to the special hazards occasioned by the existence of a state of war.

62.8. For the purpose of disseminating information relating to its activities, powers, duties, or functions, the department, with the approval of the Department of General Services, may issue publications, construct and maintain exhibits, and perform such acts and carry on such functions as in the opinion of the director will best tend to disseminate such information.

Such publications may be distributed free of charge to public libraries and to other state departments and state officers. The department may exchange copies with contemporary publications.

All money received by the department from the sale of publications, exclusive of money received by any separate division of the department from the sale of publications, shall be paid into the State Treasury to the credit of the General Fund.

63. The department may sell information from its records concerning the registration of undocumented vessels at a charge sufficient to pay the actual cost to the department for providing the information. The charge for the information shall be determined by the director, with the approval of the Department of General Services and with a minimum charge of twenty-five cents ($0.25) for each item. This section does not apply to information obtained by the department from boating accident reports filed pursuant to Section 656 of this code.

63.2. The department may sell copies of all or any part of its records at a charge sufficient to pay at least the entire actual cost to the department of the copies. The charge for the records and the conditions under which they may be sold shall be determined by the director, with the approval of the Department of General Services. This section does not apply to boating accident reports filed with the department pursuant to Section 656 of this code.

63.4. The director may recommend to the Legislature such action as may be necessary to provide the finances required of local agencies as a condition for the participation of the United States in any project in which the department may act.

63.6. On or before the 15th day of January of each year in which a general session of the Legislature is held, the director

shall make a report to the Legislature and to the Governor covering the operations of the department for the preceding biennial. The department shall also make such special reports as are requested by the Administrator of the Resources Agency or the Governor.

Article 3. Small Craft Harbors and Connecting Waterways

70. The department may prepare plans for, and acquire, construct, develop and improve, small craft harbors, facilities in connection therewith, and connecting waterways. Any small craft harbor so acquired or developed shall be transferred, and its operation relinquished, to a county, city, or any district having power to operate a small craft harbor, in which any part of it is located, upon the request of such city, county, or district, if such city, county, or district enters into an agreement with the department for repayment to the state of all costs incurred by the department in acquiring and developing such small craft harbor, including planning costs. The city, county, or district shall be required by the department to repay such costs by means of deferred payments, such payments to be made in such amounts and at such times as may be provided by the agreement.

70.2. The department 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 department 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 department 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 department, 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 department deter-

mines 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 department 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 department related thereto. Repayment of costs shall commence when it has been determined by the department 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 department, the department 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 department pursuant to this section shall be defined as nonrevenue producing features for the purpose of the term of repayment under subdivision (g) of Section 71.8.

70.4. No city, county or district which has received, or is receiving, money under this division for the construction or improvement of small craft harbors of refuge shall, consistent with the intent of Section 40, exclude the use of such harbor by commercial boats.

70.6. If the department acquires, constructs, develops, or improves a small craft harbor pursuant to Section 70 but receives no request for transfer of its operation to a city, county, or district willing and able to meet the requisite conditions for such a transfer, the department may maintain and operate the harbor.

70.8. The department 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 department.

71. The department may provide for the granting of concessions within the boundaries of harbors under the jurisdiction of the department in order to furnish the public with fuel, oil, food, and other facilities, and may grant easements, rights of way, and permits with respect to such harbors.

71.2. The department shall protect such small craft harbors under its jurisdiction from damage and preserve the peace therein. The director and such employees of the department as he may designate have the full authority and powers of peace officers for such harbors. The department may adopt such rules and regulations as may be necessary for the purposes of this section. A violation of such rules or regulations is a misdemeanor.

71.4. The department, subject to the approval of the Legislature in accordance with Section 85.2 of this code, may make loans to cities, counties, or districts having power to acquire, construct, and operate small craft harbors, for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection therewith, and connecting waterways, if the department finds that the project is feasible. The commission shall establish, by rules and regulations, policies and standards to be followed by the department in making loans pursuant to this section so as to further the proper development and maintenance of a statewide system of small craft harbors and connecting waterways. Any such loan shall be repaid as provided in Section 70.

The department shall submit any project for which it recommends any loan be made to the Governor for inclusion in the Budget Bill.

71.6. A transfer pursuant to Section 70 or a loan pursuant to Section 71.4 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 70 or a loan pursuant to Section 71.4 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 70 or a loan pursuant to Section 71.4 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.

71 8. Any contract or agreement for a transfer pursuant to Section 70 or a loan pursuant to Section 71.4, 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 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.

72. If the legislative body of a city, county, or district has acquired, constructed or improved small craft harbor facilities pursuant to an agreement or contract for a transfer pursuant to Section 70, or a loan pursuant to Section 71.4, such facilities may not be leased in whole or in part to a private concessionaire or lessee until such legislative body has published a notice pursuant to Section 6066 of the Government Code inviting bids and has otherwise complied with this section. Prior to publication of the notice the legislative body shall obtain the approval of the department to the proposed leasing of the harbor facility and to the terms and conditions of the proposed lease. The notice shall distinctly and specifically describe the harbor facilities which are to be leased and set forth the period of the time for which the facilities are to be leased, and the minimum rental to be paid under the lease. The notice shall recite that the lease will reserve to the legislative body the power to fix and determine the rates to be charged by the lessee for the use by the public of such facilities. The notice also shall recite that award of the lease by the legislative body is subject to final approval by the commission, and fix a time and place for the opening of bids by the legislative body.

At the time and place fixed in the notice the legislative body shall meet and consider all bids which have been submitted. The lease shall be awarded to the highest responsible bidder, but the award shall become final only after the award by the legislative body has been approved by the commission.

72.2. Notwithstanding other provisions of this chapter if the legislative body of a city, county, or district has acquired, constructed or improved small craft harbor facilities pursuant to an agreement or contract for a transfer pursuant to Section 70, or a loan pursuant to Section 71.4, where the proposed lease area is land or water area and where the terms of the proposed lease call for the lessee to install or construct all improvements, such land or water area may be leased by the legislative body without public bidding, but only after a public hearing, public notice of which shall be given by publication for not less than once a week for two weeks in a newspaper of general circulation published in the county in which the land lies.

Prior to publication of the public notice the legislative body shall obtain the approval of the department to the proposed leasing of the harbor facility and the provisions of the proposed public notice. The public notice shall describe the land or water area which is to be leased, describe in general terms the nature of the development desired by the legislative body, and set forth the period of time for which the land or water area is to be leased, and the minimum rental to be paid under the lease. The public notice shall recite that the lease will

reserve to the legislative body the power to fix and determine the rates to be charged by the lessee for the use by the public of facilities developed by the lessee. The public notice also shall recite that award of the lease by the legislative body is subject to final approval by the commission, and fix a time and place for the public hearing by the legislative body. The public notice shall invite proposals for leasing from any and all interested parties.

At the time and place fixed in the public notice of hearing the legislative body shall meet and consider the lease proposal submitted. The award of the lease shall become final only after the award by the legislative body has been approved by the commission.

72.4. Any agreement or contract for a transfer pursuant to Section 5823 of the Public Resources Code or a loan pursuant to Section 5827 or 6499.5 of said code, executed prior to the effective date of this chapter, shall, for the purposes of this chapter, be considered as an agreement or contract executed pursuant to this chapter.

Article 4. Vessels and Vessel Operators

75. The department has such powers and duties relating to vessels and vessel operators as are imposed upon the department by Chapter 5 (commencing with Section 650), Division 3 of this code.

Chapter 3. Harbors and Watercraft Commission

80. There is in the Department of Harbors and Watercraft, the Harbors and Watercraft Commission. The commission is the successor to and is vested with all of the powers, functions, and jurisdiction of the Small Craft Harbors Commission of the Department of Parks and Recreation, which is hereby abolished.

Whenever the term Small Craft Harbors Commission is used in any provision of law, it shall be construed as referring to the Harbors and Watercraft Commission.

80.2. Except as otherwise provided in Section 80.4, the commission shall be composed of seven members appointed by the Governor, with the advice and consent of the Senate.

80.4. The members of the first commission shall be those persons who are members of the Small Craft Harbors Commission on the effective date of this section. Their terms shall expire in the same order as their terms on the Small Craft Harbors Commission: one member January 15, 1967; two members January 15, 1968; two members January 15, 1969; and two members January 15, 1970. Thereafter, appointments shall be for a four-year term. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

80.6. No member of the commission shall receive any salary for his services as a commissioner, but may be reimbursed for actual and necessary expenses incurred in performance of official duties.

80.8. The members of the commission may be removed from office by the Governor for inefficiency, neglect of duty, misuse of office, or misfeasance in office, in the manner provided by law for the removal of other public officers for like causes.

81. The commission shall, immediately after the effective date of this section, organize and elect from its members a chairman and a vice chairman who shall serve for one year or until their successors are elected and qualified. Annually thereafter the commission shall elect a chairman and a vice chairman.

81.2. The commission shall adopt a seal.

81.4. No action shall be taken by the commission by less than a majority of its members

81.6. The Department of General Services shall furnish suitable offices and equipment for the use of the commission.

81.8. The director shall act as the secretary of the commission.

82. The commission shall establish general policies for the guidance of the department in the planning, acquisition, construction, development, improvement, maintenance and operation of small craft harbors under the jurisdiction of the department, the transfer of harbors to local agencies, and the making of loans to local agencies, pursuant to this division, the registration of vessels, the regulation of the operation and equipment of vessels by the department, and for that purpose may adopt such rules and regulations as may be necessary to carry out the provisions of this division and the provisions of Chapter 4 (commencing with Section 600) and Chapter 5 (commencing with Section 650) of Division 3 of this code.

82.2. The commission shall cause studies and surveys to be made of the need for small craft harbors and connecting waterways throughout the state and the most suitable sites therefor.

82.4. All meetings of the commission shall be open and public and all persons shall be permitted to attend any meetings of the commission.

82.6. All records of the commission shall be open to inspection by the public during regular office hours.

83. The commission, subject to the approval of the Legislature in accordance with Section 85.2 of this code, 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 the commission will recommend to the Legislature for grants of Harbors and Watercraft 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.

The commission shall submit any project for which it recommends any grant be made to the Governor for inclusion in the Budget Bill.

83.2. 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 former Section 5827 of the Public Resources Code 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 either former Section 5865 of the Public Resources Code or Section 83 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 September 17, 1965, are required and such loan shall thereafter be considered for all purposes a grant pursuant to Section 83. 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 continuation 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 4. HARBORS AND WATERCRAFT REVOLVING FUND

85. All moneys received by the department, including any moneys received by the department from the purchase or condemnation by any other person or agency of any property acquired by the department for the purposes of this division, shall be deposited in the State Treasury and credited to the Harbors and Watercraft Revolving Fund, which fund is hereby created. The Harbors and Watercraft Revolving Fund is the successor to the Small Craft Harbor Revolving Fund, which fund is hereby abolished. All references in any law to

the Small Craft Harbor Revolving Fund shall be deemed to refer to the Harbors and Watercraft Revolving Fund.

85.2. All moneys in the Harbors and Watercraft Revolving Fund shall be available, when appropriated by the Legislature, for expenditures by the Department of Harbors and Watercraft and the Harbors and Watercraft Commission for the purposes of this division, and Section 685.4 of this 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 Harbors and Watercraft Commission for review and recommendation prior to requesting an 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. 5. Section 651 of said code is amended to read:

651. As used in this chapter, unless the context clearly requires a different meaning:

(a) "Commission" means the Harbors and Watercraft Commission, Department of Harbors and Watercraft

(b) "Department" means the Department of Harbors and Watercraft.

(c) "Director" means the Director of Harbors and Watercraft.

(d) "Vessel" includes every description of watercraft used or capable of being used as a means of transportation on water, except the following:

(1) A seaplane on the water.

(2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

(e) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States government or any federal agency successor thereto.

(f) "Owner" is a person having all the incidents of ownership, including the legal title, of a vessel whether or not such person lends, rents, or pledges such vessel; the person entitled to the possession of a vessel as the purchaser under a conditional sale contract; or the mortgagor of a vessel.

"Owner" does not include a person holding legal title to a vessel under a conditional sales contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state or to any county, city, district, or political subdivision of the state under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(g) "Legal owner" is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state, or to any county, city, district or political subdivision of the state, under a lease, lease-sale, or rental-purchase agreement which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

(h) "Registered owner" is the person registered by the department as the owner of the vessel.

(i) "Waters of this state" means any waters within the territorial limits of this state.

(j) "Person" means an individual, partnership, firm, corporation, association or other entity, but does not include the United States, the state or a municipality or subdivision thereof.

(k) "Operate" means to navigate or otherwise use a motorboat or vessel upon the waters of this state.

(*l*) "Undocumented vessel" means any vessel which is not required to have and does not have a valid marine document issued by the Bureau of Customs of the United States or any federal agency successor thereto.

SEC. 6. Section 653 of said code is amended to read:

653. Every vessel less than 26 feet in length designed to be propelled by machinery as its principal source of power, shall, if manufactured or imported and offered for sale in this state, have affixed permanently thereto by the manufacturer or by the importer if not provided by the manufacturer a capacity plate as required by the regulations of the commission. Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code. As used in this section, "manufacture" means to construct or assemble a vessel or alter a vessel in such a manner as to change its weight capacity.

This section applies only to vessels manufactured or imported and offered for sale after January 1, 1966.

A capacity plate shall bear the following information permanently marked thereon in such manner as to be clearly visible and legible from the position designed for or normally intended to be occupied by the operator of the vessel when underway:

(a) The total weight of persons, gear, including outboard motor, and other articles placed aboard which the vessel is capable of carrying with safety.

(b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds.

(c) Clear notice of the conditions under which the information appearing on the capacity plate is applicable and notice that the weight of the outboard motor and its associated equipment is considered to be part of total weight capacity.

(d) In case of an outboard motor, the maximum horsepower of the motor the vessel is designed or intended to accommodate.

The information relating to maximum capacity required to appear on capacity plates shall be determined in accordance with such methods and formulae as shall be prescribed by the commission. In prescribing such methods and formulae, the commission shall be guided by and give due regard to the necessity of uniformity in methods and formulae lawful for use in determining small vessel capacity in the several states and to any methods and formulae which may be recognized or recommended by the United States Coast Guard, or any agency successor thereto

The form and specifications for such plates shall be as prescribed by the commission.

The commission may exempt any vessel from the requirements of this section if the commission finds compliance with this section would not materially contribute to the safe operation of the vessel.

SEC. 7. Section 654.1 of said code is amended to read:

654.1. Boating facilities constructed with funds derived from the state shall be required as a condition for the receipt of such funds to provide shoreside facilities for purposes of emptying waste matter holding tanks from vessels in accordance with needs and standards as established by the commission.

SEC. 8. Section 656 of said code is amended to read:

656. (a) It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew, and passengers, to render to other persons affected by the collision, accident or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(b) In the case of collision, accident or other casualty involving an undocumented vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of one hundred dollars ($100) shall file with the department a full description of the collision, accident or other casualty on such forms

and including such information as the commission may, by regulation, require. The department shall furnish approved forms for the filing of such reports. In case the operator is unable to report by reason of circumstances beyond his control, the owner of the vessel shall file the report, if he has knowledge of the accident.

(c) Neither the report required by this section nor any action taken by the department with regard to such report shall be referred to in any way, or be any evidence of negligence or due care of any party, at the trial of any action at law to recover damages.

(d) All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the department and any peace officer actually engaged in the enforcement of this chapter, except that the department shall disclose the names and addresses of persons involved in, or witnesses to, an accident, the registration numbers and descriptions of vessels involved, and the date, time, and location of an accident to any person who may have a proper interest therein, including the operator or operators involved, or the legal guardian thereof, the parent of a minor operator, the authorized representative of an operator or to any person injured therein and the owners of vessels or property damaged thereby.

SEC. 9. Section 658 of said code is amended to read:

658. (a) No person shall operate a vessel on any waters for towing a person or persons on water skis or an aquaplane or similar device unless there is in such vessel a person at least 12 years of age, in addition to the operator, in a position to observe the progress of the persons being towed.

This subdivision shall not apply to class A motorboats actually operated by the person or persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. The commission may establish rules and regulations governing the operation of any such watercraft, which rules and regulations shall provide the greatest degree possible for the safety of persons and vessels.

(b) No person shall operate a vessel on any waters of this state towing a person or persons on water skis, or aquaplane or similar device nor shall any person engage in water skiing, aquaplaning or other similar activity at any time between the hours from sunset to sunrise; provided, that such hours shall not apply to such waters of this state as to which prohibited hours for such activities are fixed by local ordinances, laws or regulations enacted pursuant to this chapter.

(c) The provisions of subdivision (a) and (b) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in any one of the following authorized activities on any waters of this state: a regatta, motorboat or other boat race, a marine parade, a tournament or an exhibition.

(d) No person shall operate or manipulate any vessel, towrope or other device by which the direction or location of water skis, an aquaplane or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane or similar device or any person thereon to collide with or strike against any object or person. The provisions of this subdivision do not apply to collisions of two or more persons on water skis, aquaplanes or similar devices being towed by the same boat.

(e) No person shall operate water skis, an aquaplane or similar device in such a manner as to endanger the life, limb or property of any person.

SEC. 10. Section 660 of said code is amended to read:

660. (a) The provisions of this chapter, and of other applicable laws of this state, shall govern the operation, equipment, and all other matters relating thereto whenever any motorboat or vessel shall be operated on the waters of this state, or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance, law, regulation or rule relating to vessels by any entity otherwise authorized by law to adopt such measures, including but not limited to any city, county, city and county, port authority or district; provided, however, that such measures relating to undocumented vessels shall pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control, the provisions of which are not in conflict with the provisions of this chapter or the regulations adopted by the commission. Such measures shall be submitted to the department prior to adoption and at least 30 days prior to the effective date thereof

(b) The commission is authorized to make special rules and regulations with reference to the operation of any motorboats or vessels on any body of water within the territorial limits of two or more cities, counties, cities and counties or other political subdivisions where no special rules or regulations exist or when required to establish uniformity in such special rules or regulations as the commission may determine (1) are not uniform under local laws and (2) as to which uniformity is practicable and necessary.

(c) Any entity, including but not limited to any city, county, city and county, port authority or district, otherwise authorized by law to adopt measures governing the operation and equipment, and matters relating thereto, of motorboats or vessels, may adopt emergency rules and regulations which are not in conflict with the general laws of the state relating to motorboats and vessels using any waters within the jurisdiction of the entity if such rules and regulations are required to insure the safety of persons and property, because of disaster or other public calamity Such emergency rules and regulations shall become effective immediately upon adoption and may remain in effect for not to exceed 60 days thereafter. Upon

submission of such emergency rules and regulations to the department, the department may authorize the entity to make the emergency rules and regulations effective for such period of time greater than 60 days as is necessary in view of the disaster or circumstances.

SEC. 11. Section 669 of said code is amended to read:

669. The regulations adopted by the commission pursuant to this chapter shall be adopted in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 12. Section 670 of said 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 department 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 department 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.

SEC. 13. Section 671 of said code is amended to read:

671. The department shall file all abstracts of court records of convictions received and in connection therewith shall maintain convenient records by name of the violator in order that an individual record of each person convicted is readily ascertainable.

SEC. 14. Section 672 of said code is amended to read:

672. The department shall upon written request of a court furnish to the court a certified copy of the individual record of any person.

SEC. 15. Section 680.2 of said code is amended to read:

680.2. The commission shall promulgate rules and regulations setting forth requirements relative to establishing proof of ownership to be submitted by the owner at the time of filing initial application for a certificate of number and a certificate of ownership. The issuance of a certificate of ownership or certificate of number under this chapter shall not in any way be construed that the department is warranting or guaranteeing the title of the vessel as it appears on such certificates.

SEC. 16. Section 681 of said code is amended to read:

681. The owner of each vessel requiring numbering by this state shall file an initial application for number with the department at its Sacramento office or an agent authorized by the department on forms approved by the commission. The application shall contain the name and address of the owner,

and of the legal owner if any, and the builder's hull number or any hull number of the vessel as may be required by the department. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of five dollars ($5); except that initial application for numbers made during 1967 and every third year thereafter shall be accompanied by a fee of four dollars ($4); and initial application for numbers made during 1968 and every third year thereafter shall be accompanied by a fee of three dollars ($3). Upon receipt of the application in approved form, the department shall issue a certificate of ownership to the legal owner and a certificate of number to the owner, or both to the owner if there is no legal owner, stating the number issued to the vessel and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the vessel the identification number in such manner as may be prescribed by rules and regulations of the commission in order that it may be clearly visible. The number shall be maintained in a legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever such vessel is in operation. The department may issue one or more stickers, tabs or other suitable devices to identify vessels as being currently registered. The size, shape, and color of such sticker, tab, or other device and the positioning of such on the vessel shall be as determined by the commission.

SEC. 17. Section 681.2 is added to said code, to read:

681.2. The owner of any vessel already covered by a number in full force and effect which has been issued to it pursuant to then operative federal law or a federally approved numbering system of another state shall make application within 30 days after the 90-day reciprocity period provided for in Section 685. Such application shall be in a manner and pursuant to the procedure required for the issuance of a number under Section 681.

SEC. 18. Section 681.4 is added to said code, to read:

681.4. If the ownership of an undocumented vessel changes, the existing certificate of ownership and a new application form accompanied by a fee of three dollars ($3) shall be filed with the department and a new certificate of ownership and a new certificate of number shall be issued in the same manner as provided for in the initial issuance of number and the number shall be reassigned to the new owner.

SEC. 19. Section 681.6 is added to said code, to read:

681.6. If an agency of the United States government shall have in force an overall system of identification numbering for undocumented vessels within the United States, the numbering system employed pursuant to this article shall be in conformity therewith

SEC. 20. Section 681.8 is added to said code, to read:

681.8. The department may issue any certificate of ownership and certificate of number or temporary certificate of

number directly or the department may authorize any person to act as agent for the issuance of a certificate of number or temporary certificate of number. If a person accepts such authorization, he may be assigned a block of numbers which upon issuance, in conformity with this article and with any rules and regulations of the commission, shall be valid as if issued directly by the department. All registration of vessels pursuant to the provisions of this code shall be conducted by the department at its Sacramento office or by any agent authorized by the department to conduct such registration. No field offices shall be established by the department for the registering of vessels.

SEC. 21. Section 682 is added to said code, to read:

682. All records of the commission and the department made or kept pursuant to Sections 681 to 684.6, inclusive, shall be public records.

SEC. 22. Section 682.2 is added to said code, to read:

682.2. Certificates of number shall be renewed by the owner between January 1, 1969, and February 4, 1969, and between January 1 and February 4 every three years thereafter, by presentation of the certificate of number last issued for the vessel or by presentation of a potential registration card issued by the department The fee for renewal shall be three dollars ($3) and shall accompany the request for such renewal.

SEC. 23. Section 682.4 is added to said code, to read:

682.4. All certificates of number expire on December 31, 1968, and on December 31st of every third year thereafter regardless of when such certificates are initially issued.

SEC. 24. Section 682.6 is added to said code, to read:

682.6. If the initial application for number is not received by the department on or before the date set by the commission a penalty of one-half the fee shall be assessed. If a certificate of number is not renewed on or before the date on which it expires a penalty of one-half the fee shall be assessed, except where the vessel has not been used on the waters of the state subsequent to the expiration date.

SEC. 25. Section 682 8 is added to said code, to read:

682.8. All money received, except moneys collected under Section 685.2, pursuant to this article shall be deposited in the Harbors and Watercraft Revolving Fund and is appropriated for the support of the department in the administration of this article. Any money that is not so used shall be expended in accordance with Section 85.2 of this code.

SEC. 26. Section 683 is added to said code, to read:

683. The owner shall furnish the department notice of the wrecking or junking, or the destruction or abandonment of such undocumented vessel within 15 days thereof. Such wrecking, junking, destruction or abandonment shall terminate the certificate of ownership and certificate of number of such undocumented vessel which if in existence shall be surrendered to the department. The department, upon receiving notice of

the abandonment of an undocumented vessel, or upon an official determination that an undocumented vessel has been abandoned, may order the destruction of such vessel at the expiration of 30 days if an investigation by the department has disclosed that no owner, legal owner, or lienholder claims an interest in such vessel, or if such persons have waived their interest. Nothing in this section shall be construed to deny the legal rights, otherwise provided for by law, of any person claiming an interest in an abandoned vessel if such person notifies the department within the time specified therefor.

SEC. 27. Section 683.2 is added to said code, to read:

683.2. Any holder of a certificate of number shall notify the department within 30 days, if his address no longer conforms to the address appearing on the certificate and shall, as part of such notification, furnish the department with his new address The department may provide for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

SEC. 28 Section 683.4 is added to said code, to read:

683 4. No number other than the number issued to an undocumented vessel or granted reciprocity pursuant to this article shall be painted, attached, or otherwise displayed on either side of the bow of such undocumented vessel.

SEC. 29. Section 683 6 is added to said code, to read:

683 6. A fee of one dollar ($1) shall be charged for a copy of certificate of number, certificate of ownership, or any application filed pursuant to this article.

SEC. 30. Section 683.8 is added to said code, to read:

683.8. Fees received pursuant to this article are appropriated for payment of refunds of money received or collected in the payment of fees, permits, or services whenever the fee, permit or service cannot lawfully be issued or rendered to the applicant, and in cases where the payment in whole or in part represents overpayment or payment in duplicate.

SEC. 31. Section 684 is added to said code, to read:

684 The department shall transmit information from each initial application and each transfer application or renewal application to the county assessor in the county of residence of the owner of the vessel and to the county assessor in the county in which the vessel is principally kept if other than the county of residence of the owner. If an application shows that the owner of the vessel has changed his residence from one county to another county or that there has been a change in the county in which the vessel is principally kept, the department shall transmit information of the change to the assessor of the county in which the owner of the vessel formerly resided or to the assessor of the county in which the vessel formerly was principally kept. After the department receives a notice pursuant to Section 683 the department shall transmit information of the destruction or abandonment to the assessor

of the county in which the owner of the vessel resides and to the assessor of the county in which the vessel is or was principally kept, if other than the county of residence of the owner.

SEC. 32. Section 684.2 is added to said code, to read:

684.2. A nonprofit corporation organized solely for charitable purposes pursuant to Part 1 (commencing with Section 9000) or Part 3 (commencing with Section 10200), Division 2, Title 1 of the Corporations Code, which purposes relate to promoting the ability of boys and girls to do things for themselves, to train them in scoutcraft and camping, and to teach them patriotism, courage, self-reliance and kindred virtues, shall not be required to pay the fees provided for in Sections 681, 681.4, 682.2, and 683.6.

SEC. 33. Section 684.4 is added to said code, to read:

684.4. Upon application for original registration or transfer of registration of an undocumented vessel, the department may assign an appropriate builder's hull number to such vessel whenever there is no builder's hull number thereon, or when a builder's hull number thereon has been destroyed or obliterated; and such builder's hull number shall be permanently marked in an integral part of the hull which is accessible for inspection.

SEC. 34. Section 684.6 is added to said code, to read:

684.6. No person shall intentionally deface, destroy, or alter the builder's hull number of a vessel required to be numbered under this chapter, without written authorization from the department; nor shall any person place or stamp any serial or other number or mark upon an undocumented vessel which might interfere with identification of the builder's hull number. This does not prohibit the restoration by an owner of an original number or mark when the restoration is authorized by the department, nor prevent any manufacturer from placing in the ordinary course of business numbers or marks upon new vessels or new parts thereof.

SEC. 35. Section 681.5 of said code is amended and renumbered to read:

684.8 The Department of Harbors and Watercraft shall not issue a certificate of ownership for any "amphibious vehicle" for which a certificate of ownership may be issued by the Department of Motor Vehicles.

For the purposes of this section, an "amphibious vehicle" is a device by which any person or property may be propelled, moved, or drawn both upon water and upon a highway on land.

SEC. 36. Section 682 of said code is amended and renumbered to read:

685 An undocumented vessel shall not be required to be numbered under this article if it is:

(a) Already covered by a number in full force and effect which has been issued to it pursuant to federal law or a fed-

erally approved numbering system of another state; provided, that such undocumented vessel shall not have been within this state for a period in excess of 90 consecutive days.

(b) A vessel from a country other than the United States temporarily using the waters of this state.

(c) A public vessel of the United States, another state or subdivision thereof or municipality of such other state.

(d) A ship's lifeboat.

(e) Any vessel belonging to a class of boats which has been exempted from numbering by the commission after the commission has found that the numbering of vessels of such class will not materially aid in their identification; and, if any agency of the federal government has a numbering system applicable to the class of vessels to which the vessel in question belongs, after the commission has further found that the vessel would also be exempt from numbering if it were subject to the federal law. An undocumented vessel propelled solely by an electric motor of one horsepower or less operated commercially by a boat livery under a franchise from a city, city and county, or county; an undocumented vessel propelled solely by oars or paddles; and an undocumented vessel eight feet or less propelled solely by sail, is exempt from the provisions of this article.

SEC. 37. Section 683 of said code is amended and renumbered to read:

685.2. Any person who violates any provision of this article or any rule or regulation of the commission is guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars ($50) or imprisonment in the county jail for not to exceed five days, or both, for each violation.

SEC. 38. Section 684 of said code is amended and renumbered to read:

685.4. The department is authorized to develop a program of public information and research in the interest of reducing loss of life and property in the operation of vessels covered by this chapter.

SEC. 39. Section 700 of said code is amended to read:

700. No transfer of the title or any interest in or to an undocumented vessel numbered 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 certificate of number to the transferee as provided in this code and the transferee has delivered to the department or has placed the certificates in the United States mail addressed to the department when and as required under this code with the proper transfer fee and thereby makes application for a new certificate of ownership and a new certificate of number.

(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 transfer of ownership of

the vessel pursuant to the sale or transfer except as otherwise provided.

SEC. 40. Section 701 of said code is amended to read:

701. Whenever any person has received as transferee a properly endorsed certificate of ownership and the certificate of number of the vessel described in the certificates, he shall within 10 days thereafter file the certificates accompanied by a fee of three dollars ($3) with the department, and thereby make application for a certificate of ownership and certificate of number.

SEC. 41. Section 702 of said code is amended to read:

702. The department, upon receipt of a properly endorsed certificate of ownership and the certificate of number of the vessel described in the certificate and a new application form and the required fee, shall issue a new certificate of ownership and a new certificate of number in the same manner as provided for in the initial issuance of number and the number may be reassigned to the new owner, provided, however, in the case of a transfer of a part interest which does not affect the owner's right to operate such undocumented vessel such transfer shall not terminate the certificate of number.

SEC. 42. Section 702.1 of said code is amended to read:

702.1. (a) Prior to the issuance of any certificate of ownership the department 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 department 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 department and the board.

SEC. 43. Section 704 of said code is amended to read:

704. An owner who has made a bona fide sale or transfer of an undocumented vessel and has delivered possession thereof to a purchaser shall not by reason of any of the provisions of this code be deemed the owner of the vessel so as to be subject to civil liability for the operation of the vessel thereafter by another when the owner in addition to the foregoing has fulfilled either of the following requirements:

(a) When he has made proper endorsement and delivery of the certificate of ownership and delivered the certificate of number as provided in this code.

(b) When he has delivered to the department or has placed in the United States mail, addressed to the department, either the notice as provided in Section 710 and Section 711 or appropriate documents for transfer of the vessel pursuant to the sale or transfer.

SEC. 44. Section 708 of said code is amended to read:

708. When the required certificate of ownership is lost, stolen, damaged, or multilated, application for transfer may be made upon a form provided by the department for a duplicate certificate of ownership. The transferor shall write his signature and address in the appropriate spaces provided upon the application and file the same together with the proper fees for duplicate certificate of ownership and transfer.

SEC. 45. Section 710 of said code is amended to read:

710. Whenever the owner of an undocumented vessel numbered under this code sells or transfers his title or interest in, or any part thereof, and delivers the possession of, the vessel to another, the owner shall within five days thereafter notify the department of the sale or transfer giving the date thereof, the name and address of the owner and of the transferee and such description of the vessel as may be required in the appropriate form provided for such purpose by the department.

SEC. 46. Section 711 of said code is amended to read:

711. Every dealer upon transferring by sale, lease or otherwise any undocumented vessel, whether new or used, required to be numbered under this code, shall, not later than the end of the next business day of the dealer, give written notice of the transfer to the department upon an appropriate form provided by it, but a dealer need not give the notice when selling or transferring a new unnumbered vessel to another dealer.

SEC. 47. Section 714 of said code is amended to read:

714. (a) Whenever the title or interest of any owner or legal owner in or to a vessel numbered under this code passes to another otherwise than by a voluntary transfer, the new owner or legal owner may obtain a transfer of ownership upon application therefor and upon presentation of the last certificate of ownership and certificate of number issued for the vessel, if available, and any instruments or documents of authority or certified copies thereof as may be required by the department, or required by law, to evidence or effect a transfer of title or interest in or to chattels in such case.

(b) The department when satisfied of the genuineness and regularity of the transfer shall give notice by mail to the owner and legal owner of the vessel as shown by the records of the department, and five days after the giving of the notice, if still satisfied of the genuineness and regularity of such transfer, shall transfer the ownership of the vessel accordingly and issue a new certificate of ownership and certificate of number to the person or persons entitled thereto.

SEC. 48. Section 715 of said code is amended to read:

715. Upon the death of an owner or legal owner of any vessel numbered under this code without the decedent leaving

other property necessitating probate, the surviving husband or wife or other heir in the order named in Section 630 of the Probate Code, unless the vessel is by will otherwise bequeathed, and if the value of the vessel is two thousand dollars ($2,000) or less, may secure a transfer of ownership of the title or interest of the deceased upon presenting to the department the appropriate certificate of ownership and certificate of number, if available, and a certified statement of the person setting forth the fact of survivorship or heirship, and the names and addresses of any other heirs, and, if required by the department, a certificate of the death of the deceased, together with a statement that there are no creditors of the deceased or, if so, that the creditors of the deceased have been paid in full or the claims have been otherwise discharged.

SEC. 49. Section 716 of said code is amended to read:

716. Whenever application is made to the department for a transfer of ownership of a vessel to a new owner or legal owner and the applicant is unable to present the certificate of ownership or certificate of number issued for the vessel by reason of the same being lost or otherwise not available, the department may receive the application and examine into the circumstances of the case and may require the filing of affidavits or other information, and when the department is satisfied that the applicant is entitled to a transfer of ownership, the department may transfer the ownership of the vessel, and issue a new certificate of ownership, and certificate of number to the person or persons found to be entitled thereto.

SEC. 50. Section 717 of said code is amended to read:

717. If the application for a transfer is made in the manner provided in this code, the department shall not be required to withhold the transfer of any right, title or interest in or to a vessel if the application on its face appears to be genuine and regular and the department has received neither a request from any law enforcement agency that action on the application be deferred nor an order of a court of the United States or of the State of California restraining the transfer within two years prior thereto

SEC. 51. Section 718 of said code is amended to read:

718. No chattel mortgage on any vessel numbered under this code, irrespective of whether such number was effected prior or subsequent to the execution of such mortgage, is valid as against creditors or subsequent purchasers, or encumbrancers, until the mortgagee, or his successor or assignee, has deposited with the department, at its office in Sacramento, or at any other office as may be designated by the director, a properly endorsed certificate of ownership to the vessel, subject to the mortgage, showing the chattel mortgagee as legal owner if the vessel is then numbered under this code; or if the vessel is not so numbered, the owner shall file an initial application for number as provided for in this code and the certificate of ownership issued under said application shall show said chattel mortgagee as the legal owner.

SEC. 52. Section 719 of said code is amended to read:

719. When the chattel mortgagee, his successor or assignee, has deposited with the department a properly endorsed certificate of ownership showing the mortgagee as legal owner, or if the vessel is not numbered when the owner shall file an initial application for number as provided for in this code and the certificate of ownership issued under said application shows said mortgagee as the legal owner and said certificate of ownership is deposited with the department, the deposit constitutes constructive notice of the mortgage to creditors and subsequent purchasers and encumbrancers.

SEC. 53. Section 720 of said code is amended to read:

720. Upon the deposit with the department of the certificate of ownership showing the chattel mortgagee as legal owner as provided in Section 718 hereof, the department shall on its records show the mortgagee, his successor or assignee, as legal owner with respect to such vessel.

SEC. 54. Section 750 of said code is amended to read:

750. Every peace officer upon receiving a report based on reliable information that any undocumented vessel numbered under this code has been lost or stolen shall not later than 48 hours after receiving such information report the theft or loss to the department, and such peace officer upon receiving information of the recovery of any such vessel which he has previously reported as stolen or lost, shall immediately report the fact of the recovery to the department.

SEC. 55. Section 752 of said code is amended to read:

752. The owner or legal owner of a vessel numbered under this code which has been stolen or embezzled may notify the department of the theft or embezzlement, but in the event of an embezzlement may make the report only after having procured the issuance of a warrant for the arrest of the person charged with such embezzlement Every owner or legal owner who has given any such notice shall notify the department of a recovery of the vessel.

SEC. 56. Section 753 of said code is amended to read:

753. The department, upon receiving a report of a lost, stolen or embezzled vessel numbered under this code, shall make the appropriate designation on the record of such vessel in the files of the department. The designations shall remain on the records of such vessel until such time as the department has received notification by the owner or legal owner of such vessel that the vessel has been recovered. Such designations regarding a report of a stolen or embezzled vessel shall remain on the records of such vessel for a period of one year or until the notification of recovery thereof has been received by the department, whichever is sooner.

SEC. 57. Section 761 of said code is amended to read:

761. No for-hire vessel, while carrying passengers for hire, shall be operated or navigated on the waters of this state except by a person who holds a valid license issued by the department pursuant to the provisions of this article. This

requirement, however, shall not apply to persons who operate a for-hire vessel on waters of this state which have been declared to be navigable by agencies of the federal government.

SEC. 58. Section 762 of said code is amended to read:

762. An applicant for an operator's license shall submit his written verified application to the department. The application shall be in such form and contain such information as the department requires.

SEC. 59. Section 764 of said code is amended to read:

764. Upon application for an operator's license, the department shall require an examination of the applicant. The commission shall adopt rules and regulations establishing the requirements for the examination which will demonstrate to the department the applicant's competency in the operation of vessels.

If an applicant presents a valid operator's license issued pursuant to the provisions of the federal Motorboat Act of 1940 (Title 46, U.S C., Section 526f) or the federal act of May 10, 1956 (Title 46, U.S.C. 390–390g), the department may issue an operator's license without requiring an examination.

SEC. 60. Section 766 of said code is amended to read:

766. Upon completion of the examination, the department may, with or without hearing, issue the operator's license or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the license such terms and conditions as, in its judgment, the public safety requires.

If the department refuses to grant an operator's license the 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, and in all cases the department shall have all the powers granted therein.

SEC. 61. Section 767 of said code is amended to read:

767. An operator's license issued by the department pursuant to the provisions of this article shall be valid for five years from the date of issuance or renewal and may be renewed every five years thereafter unless suspended or revoked pursuant to Section 768. The commission may adopt rules and regulations establishing the requirements for renewal of any license issued under this article, including therein requirements for acuity of vision, color sense and general physical condition.

SEC. 62. Section 768 of said code is amended to read:

768. (a) The department may suspend or revoke any license issued pursuant to this article on a finding that the licensee has violated any of the provisions in this chapter, or has violated any of the regulations promulgated pursuant to carrying out the provisions of this article. The department may also revoke any license issued pursuant to this article upon any of the grounds which authorize the refusal to issue a license.

If the department suspends or revokes an operator's license, the proceedings shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the department shall have all the powers granted therein.

(b) The period of time for suspension during which the person may not apply for his license shall be determined by the department. The department shall not renew an operator's license which has been revoked until the expiration of one year after the date of such revocation unless the revocation was for a cause which has been removed.

SEC. 63. Section 769 of said code is amended to read:

769. The department shall be responsible for administering the licensing of operators of for-hire vessels and for enforcing the provisions of this article.

SEC. 64. Section 772 of said code is amended to read:

772. The authority and power granted to the department in this article shall not be construed to conflict with or diminish in any manner the jurisdiction of the Public Utilities Commission over for-hire vessels or common carriers, as those terms are defined in the Public Utilities Code.

SEC. 65. Section 3901 of said code is amended to read:

3901. As used in this chapter the following words shall have the following meanings:

(a) "Committee" means the Harbor Improvement Bond Committee.

(b) "Authority" means the San Francisco Port Authority, as the same is constituted by Part 1 (commencing at Section 1690) of Division 6 of the Harbors and Navigation Code, or any successor thereof.

(c) "Commission" means the Harbors and Watercraft Commission, as the same is constituted by Division 1 (commencing with Section 30) of this code, or any successor thereof.

(d) "San Francisco Harbor Improvement Fund" means the fund now existing in the State Treasury and created by Section 1706.

SEC. 66. Section 3950 of said code is amended to read:

3950. Whenever the commission determines by resolution that it is necessary or desirable to obtain funds through the sale of bonds as provided for in this part to provide loans to cities, cities and counties, counties, and districts having power to acquire, construct, and operate small craft harbors, for the planning, acquisition, construction, improvement, maintenance, or operation of small craft harbors and facilities in connection therewith, and connecting waterways, in accordance with the provisions of the Division 1 (commencing with Section 30) of this code, the commission shall so certify to the committee. Funds so secured shall not exceed, in the aggregate, ten million dollars ($10,000,000).

SEC. 67. Section 503 of the Public Resources Code is amended to read:

503. The department succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Department of Natural Resources or the Director of Natural Resources and exercised by the following divisions of the Department of Natural Resources: Beaches and Parks and Recreation.

Wherever any reference is made to the Department of Natural Resources or to the Director of Natural Resources pertaining to a duty, power, purpose, responsibility or jurisdiction transferred to the Department of Parks and Recreation by this section, it shall be deemed to be a reference to, and to mean, the Department of Parks and Recreation or to the Director of Parks and Recreation, as the case may be.

SEC. 68. Section 507 of said code is amended to read:

507. The work of the department shall be divided into at least two divisions, known as the Division of Beaches and Parks and the Division of Recreation.

SEC. 69. Section 513 of said code is repealed.

SEC. 70 Section 514 of said code is repealed.

SEC. 71. Article 3 (commencing with Section 560), Chapter 1, Division 1 of said code is repealed.

SEC. 72. Division 5 7 (commencing with Section 5801) of said code is repealed

SEC. 73. Section 6304.5 of said code is repealed.

SEC. 74. Chapter 8 (commencing with Section 6499 5), Part 1, Division 6 of said code is repealed.

SEC. 75. Section 8352 of the Revenue and Taxation 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 at-

tributable 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 Harbors and Watercraft Revolving Fund for expenditure in accordance with the provisions of Division 1 (commencing with Section 30) of the Harbors and Navigation 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. 76. Section 84 of the Streets and Highways Code is amended to read:

84. Before the department commences the construction of any state highway or of any bridge, viaduct, conduit, pipe, trestle, or other obstruction in connection therewith across any cove, bay, or inlet of the ocean in this state, the department shall submit the plans of the proposed project insofar as they might affect the use of such cove, bay or inlet as a small boat harbor, to the Department of Harbors and Watercraft and shall consider any suggestions made with respect to the integration of the proposed highway project with any proposed plan for the development of a small boat harbor.

CHAPTER 62

An act to add Sections 23602, 23602.1, and 23602.2 to the Education Code, relating to the California Polytechnic College.

[Approved by Governor May 12, 1966 Filed with Secretary of State May 12, 1966]

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

SECTION 1. Section 23602 is added to the Education Code, to read:

23602. The California State Polytechnic College included within the California State Colleges is comprised of the two separate campuses or complexes of buildings, facilities, and land described as follows:

(a) The campus or complex situated within the County of San Luis Obispo.

(b) The campus or complex situated within the County of Los Angeles and within or near the City of Pomona and the City of San Dimas.

SEC. 2. Section 23602.1 is added to said code, to read:

23602.1. The trustees shall have all power necessary to provide for the establishment of a separate California State Polytechnic College at the campus or complex situated in the County of Los Angeles, more particularly described in subdivision (b) of Section 23602, including the power to execute any necessary agreements and to receive, on behalf of the state, any property or interest in property which may be conveyed to the state in connection therewith or for any purposes of this section.

From and after the date upon which final action for the establishment of such separate college has been taken by the trustees, there shall be, within the California State Colleges, two separate California State Polytechnic Colleges, comprised of the respective campuses or complexes described in Section 23602. The provisions of Section 23658, the provisions of Article 2 (commencing with Section 24751) of Chapter 13 of this division, and any provisions of law limited in applicability specifically to the California State Polytechnic College, unless otherwise therein specified, shall be deemed applicable to either or both of such California State Polytechnic Colleges.

SEC. 3. Section 23602.2 is added to said code, to read:

23602.2. It is the intent and purpose of the Legislature, in authorizing the establishment of the separate California State Polytechnic College in the County of Los Angeles at the campus or complex described in subdivision (b) of Section 23602, that the educational program there provided continue to be conducted in accordance with the essential aims and policies expressed in Section 24751, and in that certain grant deed dated November 22, 1949, as amended or modified by subsequent agreements and conveyances, whereby the W. K. Kellogg Foundation, a Michigan corporation, has granted to the State of California, for the use and benefit of the California State Polytechnic College, certain real property situated in the County of Los Angeles, which will form a part of such separate California State Polytechnic College.

CHAPTER 63

An act to amend Sections 31203, 31207, 31209, 31212, 31213, 31214, 31214.1, 31214.2, 31214.3, 31215, 31216, 31231, 31232, 31233, 31242, 31243, 31246, 31248, 31249, 31252, and 31253 of, to amend and renumber Sections 31240 and 31251 (as amended by Chapter 1205 of the 1961 Statutes) of, to add Sections 31230.5, 31240, 31251.1, 31256 and 31257 to, and to add Chapter 1.5 (commencing with Section 31271) to Division 22 of, the Education Code, relating to the public schools, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 12, 1966.]

I hereby reduce the appropriation contained in Section 29.5 of Assembly Bill No. 56 of the 1966 First Extraordinary Session from $119,988 to $104,200.
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 31203 of the Education Code is amended to read:

31203. No person shall be awarded a scholarship unless:

(a) He is a resident of California as determined under the provisions of this code for determining the resident status of a student of a state college for the purposes of state college admission fees and rates of tuition. Wherever such provisions refer to the trustees the reference shall, for the purposes of this section, be deemed to be to the commission, any reference to "the opening day of a semester during which a person proposes to attend a state college" shall be deemed to be the day upon which a person will receive a scholarship as determined by the commission, and any reference to "immediately prior to first entering any California institution of higher learning" shall be deemed to be immediately prior to the day upon which a person will receive a scholarship, as determined by the commission.

(b) He has not attained his 24th birthday. This age limitation does not apply in the case of renewed scholarship awards.

(c) He has graduated from high school or has been accepted for admission by an accredited college.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(f) He has applied for a state competitive scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(g) He has complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of state competitive scholarships adopted pursuant to this chapter (commencing at Section 31201).

(h) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

SEC. 2. Section 31207 of said code is amended to read:

31207. (a) The State Scholarship Commission is continued in existence as the State Scholarship and Loan Commission, consisting of nine members, to be appointed by the Governor. Appointments made pursuant to this section on and after the effective date of the amendments of this section enacted at the 1966 First Extraordinary Session of the Legislature shall be subject to confirmation by the Senate

(b) As used in this chapter, "commission" means the State Scholarship and Loan Commission.

SEC. 3. Section 31209 of said code is amended to read:

31209. The terms of office of such members shall be four years, except as otherwise provided, and they shall hold office until appointment and qualification of their successors. The terms of the members of the commission shall be fixed by the Governor and in such manner as will provide for the expiration each year of the terms of, as nearly as possible, one-fourth of the members.

SEC. 4. Section 31212 of said code is amended to read:

31212. The commission shall appoint an executive director who shall be the chief executive officer for the commission, and shall serve at the pleasure of the commission. The Legislature hereby requests the commission to designate said executive officer as the person holding the position confidential to it, within the meaning of subdivision 5, of Section 4, Article XXIV of the Constitution.

The commission may employ such other employees as it deems necessary to carry out its functions under this chapter (commencing at Section 31201).

SEC. 5. Section 31213 of said code is amended to read:

31213. The commission may cooperate with, assist, and stimulate interest in other scholarship programs which have as an objective the assistance of qualified youth to completion of courses in higher education. The commission may assist in the selection of qualified applicants and may assist interested groups of citizens, foundations, and other agencies in the administration of scholarship awards.

SEC. 6. Section 31214 of said code is amended to read:

31214. Each competitive scholarship is for the period of one academic year and the award shall be for three hundred dollars ($300), four hundred dollars ($400), five hundred dollars ($500), six hundred dollars ($600), seven hundred dollars ($700), eight hundred dollars ($800), nine hundred dollars

($900), or not to exceed nine hundred dollars ($900) plus ninety percent (90%) of tuition and fees in excess of nine hundred dollars ($900) in one hundred dollar ($100) amounts at the college the award winner will attend, as required by applicant's financial need, as determined by the commission, but in no event in excess of an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, excluding summer sessions, of the institution at which the scholarship is used. No competitive scholarship awarded to an applicant under this section for the period of one academic year shall exceed the total amount of fifteen hundred dollars ($1,500). The commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course, whichever is the earlier, provided that at or prior to such renewal the commission shall reassess the financial needs of such award winner and establish the amount of the award within the limits prescribed by this section. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 31206.

No award shall exceed nine hundred dollars ($900) for a year except awards given for attendance during the 1964–1965 fiscal year and thereafter.

SEC. 7. Section 31214.1 of said code is amended to read:

31214.1. Notwithstanding the provisions of Section 31214, the award may be granted and renewed during the first four years of full-time college attendance following first admission to college, as defined by the commission.

SEC. 8. Section 31214.2 of said code is amended to read:

31214.2. In any instance where the commission shall deem necessary, a competitive scholarship may be granted for a single semester or quarter or for two quarters of an academic year, and the award payment therefor shall be prorated accordingly. In any event a scholarship is vacated by virtue of the award winner withdrawing from college, the commission may award the scholarship to another fully qualified student who has met all the requirements for a scholarship.

In any instance when a student who has been awarded a state scholarship attends a college at which the normal course of study, as announced by the college, for the baccalaureate degree is completed in three years rather than four years, the commission may increase the amount of the annual award authorized in Section 31214 by up to one-third. In no event shall the scholarship of a student enrolled in a baccalaureate degree program of three years' duration exceed in the aggregate the

total amount he would have received if enrolled in a four-year baccalaureate degree program.

SEC. 9. Section 31214.3 of said code is amended to read:

31214.3. An individual who is awarded a competitive scholarship and enrolls in a public junior college may elect to have the scholarship held in trust for him for a period not to exceed two academic years, except that the commission may extend the period in which his scholarship may be held in trust up to a period of three academic years if, in the commission's judgment, the student's rate of academic progress has been as rapid as could be expected for the personal and financial conditions which the student has encountered The commission shall, in such case, hold the scholarship in trust, to be granted to the award winner upon receipt of his request therefor within such period, provided that at the time of making the request he meets all of the requirements of this chapter (commencing at Section 31201). Upon receipt of the request the commission shall assess or reassess the financial needs of the award winner. The commission may prescribe the forms and procedures to be utilized for the purposes of this section. The commission may award to another eligible individual any scholarship being so held in trust, subject to the provisions of this section and any other conditions and restrictions that may be imposed by the commission, to the end that all authorized scholarships are being continually utilized. Following the first year for which any such scholarship is awarded, awards thereof shall be included in the number of the continuing scholarships available for any year and not the authorized new scholarships for the year.

SEC 10 Section 31215 of said code is amended to read:

31215 The commission shall conduct annual competitive examinations among fully qualified applicants for state competitive scholarships or the commission may require all applicants to take the scholastic aptitude test of the College Entrance Examination Board. On the basis of the results of such examinations, or either of them, the commission shall determine the award winners for the next ensuing academic year. Such commission also shall determine which of the current award winners are making satisfactory academic progress and are entitled to an annual renewal of their scholarships.

SEC 11. Section 31216 of said code is amended to read:

31216 The commission from time to time shall adopt such rules and regulations as it may determine, not in conflict with this chapter (commencing at Section 31201), as may be necessary or appropriate for effectuating the provisions of this chapter (commencing at Section 31201). The commission shall not award a scholarship to any applicant whose record in the competitive examination does not meet the standards set, even though scholarships may remain unawarded.

SEC 12. Section 31230.5 is added to said code, to read:

31230.5. As used in this chapter, "commission" means the State Scholarship and Loan Commission.

SEC. 13. Section 31231 of said code is amended to read:

31231. Scholarships shall be awarded to graduates of California high schools. There shall be 100 awards for the fiscal year 1960–61, 100 additional awards for the fiscal year 1961–62, 100 additional awards for the fiscal year 1962–63, and 100 additional awards for the fiscal year 1963–64. For each fiscal year thereafter the state agricultural scholarship program shall consist of 400 awards. The administration of scholarships for the study of the science of agriculture shall be under the jurisdiction of the commission. No person shall be awarded a scholarship unless:

(a) He is a resident of California.

(b) He has not attained his 24th birthday. This age limitation does not apply in the case of renewed scholarship awards.

(c) His course of study in high school shall have been directed toward preparation for work at the college level in the science of agriculture, or he is enrolled as an agricultural major at a junior college or a four-year college.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals

(f) He has applied for a state agricultural scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(g) He has complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of scholarships adopted pursuant to this chapter.

(h) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

SEC. 14. Section 31232 of said code is amended to read:

31232. Each competitive scholarship is for the period of one academic year. The award shall be for six hundred dollars ($600) or an amount equal to the tuition or necessary fees, or both tuition and fees for the academic year, excluding summer sessions, at the institution at which the scholarship is used, whichever is the smaller amount. The commission may provide by appropriate rules and regulations for such reports, accountings and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. The state scholarships for the study of the science of agriculture may be renewed annually without additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in a four-year undergraduate course, whichever is earlier. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of

collegiate grade located in California and accredited by the Western College Association.

SEC. 15. Section 31233 of said code is amended to read:

31233. An individual who is awarded a competitive scholarship and enrolls in a junior college, may elect to have the scholarship held in trust for him for a period not to exceed two years. The commission shall, in such case, hold the scholarship in trust, to be granted to the award winner upon receipt of his request therefor within such period, provided that at the time of making the request he meets all of the requirements of this chapter (commencing at Section 31230). The commission may prescribe the forms and procedures to be utilized for the purposes of this section.

SEC. 16. Section 31240 of said code is amended and renumbered to read:

31240.5. There is hereby created a state competitive graduate fellowship program with fellowships to be provided by the state and used by award winners for graduate study in colleges and universities located in California and accredited by the Western Association of Schools and Colleges. As used in this section "graduate study" shall mean that phase of education coming after the completion of the baccalaureate degree and leading toward a recognized graduate degree.

SEC. 17. Section 31240 is added to said code, to read:

31240. As used in this chapter, "commission" means the State Scholarship and Loan Commission.

SEC. 18. Section 31242 of said code is amended to read:

31242. The program for granting fellowships for graduate study shall be conducted under the general supervision of the commission, with the aid and advice of a committee of nine members appointed by the commission and composed of college and university teachers and graduate deans from the colleges and universities in California accredited by the Western Association of Schools and Colleges.

The commission shall prescribe the forms for all applications and certificates required in connection with the fellowship program. The commission shall, from time to time, adopt such rules and regulations as it may determine not in conflict with this chapter as may be necessary, or appropriate, for effecting the provisions of this chapter.

SEC. 19. Section 31243 of said code is amended to read:

31243. Awards shall be for one academic year of graduate study, plus one summer term if necessary to the student's program except that the graduate fellowship may be renewed under extraordinary circumstances as determined by the commission. Awards of graduate fellowships shall be made upon a competitive basis. The commission may take into account such factors as the following:

(a) Grades at the undergraduate level in the subject field in which the student wishes to do graduate work.

(b) Grades in the total undergraduate program.

(c) Aptitude for graduate work in the subject field, insofar as it is measurable.

(d) General aptitude for graduate study, insofar as it is measurable.

(e) Financial need of the student as an individual, independent in his own right.

SEC. 20. Section 31246 of said code is amended to read:

31246. Candidates for the awards shall apply for the awards to the commission and comply with all of the rules and regulations adopted by the commission for the award, regulation and administration of the state graduate fellowship program pursuant to this chapter.

SEC. 21. Section 31248 of said code is amended to read:

31248. Awards shall be made for full-time graduate study, as defined by the institution which the student attends. Fellowship holders may receive an additional maximum income of one thousand eight hundred dollars ($1,800) per academic year through teaching assistantships and other fellowships. Any income received through teaching assistantships or other fellowships in excess of one thousand eight hundred dollars ($1,800) will be deducted from the basic stipend as determined by the commission.

SEC. 22. Section 31249 of said code is amended to read:

31249. The candidates for the award must apply for the awards to the commission and comply with all the rules and regulations adopted by the commission for the award regulation and the administration of the state graduate fellowship program pursuant to this chapter.

SEC. 23. Section 31251.1 is added to said code, to read:

31251.1. As used in this chapter, "commission" means the State Scholarship and Loan Commission.

SEC. 24. Section 31251 of said code (as amended by Chapter 1205 of the 1961 Statutes) is amended and renumbered to read:

31251.5. Whenever by the provisions of any act of Congress a program of scholarships for undergraduate students is established which permits administration of such program within a state by a state agency, the commission, as established by Section 31207, shall administer such act within the state if the Governor and the commission, by a majority vote of its entire membership, determine that the participation by the state in the Federal Scholarship Program under such act would not interfere with or jeopardize the continuation of the scholarship program established under Sections 31201 to 31218, inclusive.

SEC. 25. Section 31252 of said code is amended to read:

31252. The commission shall constitute the State Commission on Federal Scholarships and is hereby empowered to formulate a plan for development and administration of the Federal Scholarship Program within the state.

SEC. 26. Section 31253 of said code is amended to read:

31253. Subject to the provisions of this chapter, the commission is hereby vested with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof, in the administration of the act of Congress establishing a scholarship program and the rules and regulations adopted thereunder.

Before adopting a state plan the State Commission on Federal Scholarships shall hold public hearings as provided in the California Administrative Procedure Act.

SEC. 26.1. Section 31256 is added to said code, to read:

31256. The California State Scholarship and Loan commission is authorized to enter into a contract with the United States Commissioner of Education for purposes of conducting programs to encourage full utilization of educational talent authorized by Section 403(a) of Title IV of Public Law 89-329.

SEC. 26.2. Section 31257 is added to said code, to read:

31257. The California State Scholarship and Loan Commission may enter into a joint contract with a nonprofit educational corporation for purposes of negotiating a contract with the United States Commissioner of Education pursuant to Section 31256

SEC. 27. Chapter 4.5 (commencing with Section 31271) is added to Division 22 of said code, to read:

CHAPTER 4.5. STATE GUARANTEED LOAN PROGRAM

31271. As used in this chapter, "commission" means the State Scholarship and Loan Commission.

31272. There is hereby established a State Guaranteed Loan Program for college students, to be consistent with Title IV of the act of Congress entitled the "Higher Education Act of 1965" (P.L 89-329), and extensions thereof, or any similar act of Congress and the rules and regulations adopted thereunder.

31273. The purpose of the guaranteed loan program shall be as follows:

(a) To provide a source of credit to students who are residents of California to assist them in meeting educational costs at a junor college, college, or university of their choice which is accredited by an accreditation association recognized by the United States Commissioner of Education for this purpose.

(b) To accept, receive and administer the funds provided under Title IV of the "Higher Education Act of 1965," and extensions thereof, or any similar act of Congress.

31274. State guaranteed loans made pursuant to this chapter shall be made without regard to race, religion, creed or sex.

31275. The commission shall administer the guaranteed loan program established pursuant to this chapter. The commission is hereby vested with authority to enter into any

contract with the United States Commissioner of Education or any other federal officer or agency under Title IV of the Higher Education Act of 1965, any extension thereof, or any similar act of Congress, and is hereby vested with all other necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof, in administration of the act of Congress and the rules and regulations adopted thereunder. The commission shall adopt any rules and regulations it deems necessary for the proper administration of this chapter.

31276. In the event that the amount of loans applied for under this chapter exceeds the amount of the loans that may be guaranteed pursuant to this chapter, the commission may establish a system of priorities for the approval of loans.

31277. (a) The commission shall guarantee any student loan made pursuant to this chapter at one hundred percent (100%) of the amount of the loan.

(b) The commission shall establish the ratio of reserve funds to loans outstanding.

31278. There is hereby created in the State Treasury the State Guaranteed Loan Reserve Fund. All money received from federal, state or local governments, or from other private or public sources, for the purposes of this chapter shall be deposited in the fund. The money deposited in the fund is hereby appropriated, without regard to fiscal years, for purposes of this chapter.

The total amount of all outstanding debts, obligations, and liabilities which may be incurred or created under this chapter, including any obligation to repay to the United States any funds provided under Title IV of the "Higher Education Act of 1965," and extensions thereof, or any similar act of Congress, is limited to the amount contained in the State Guaranteed Loan Reserve Fund, and the state shall not be liable beyond the amount contained in such fund for such debts, obligations, and liabilities.

31279. The State Treasurer shall invest, pursuant to statute, any surplus money in the State Guaranteed Loan Reserve Fund. The interest or other accretions as a result of the investment of such money may accrue to the fund or be expended for administration pursuant to federal regulations.

31279.5. The funds in the State Guaranteed Loan Reserve Fund shall be paid out by the State Treasurer on warrants drawn by the Controller and requisitioned by the commission in carrying out the purposes of this chapter and the federal act.

31280. The commission shall establish a Loan Study Council. The Loan Study Council shall be comprised of 10 members, appointed as follows:

(a) Two of the members shall be appointed by the commission from among the members of the commission.

(b) Two of the members shall be appointed by the commission from persons representative of the private lending institutions of the state.

(c) Two of the members shall be appointed by the Governor.

(d) Two of the members shall be appointed by the Speaker of the Assembly.

(e) Two of the members shall be appointed by the Senate Committee on Rules.

The appointments authorized by this section shall be made on or before June 30, 1966.

31281. The Loan Study Council shall study the operation of the State Guaranteed Loan Program under this chapter and shall report to the Legislature at the 1967 General Session, with recommendations as to any changes or modifications it finds are needed in the operation of the program.

31282. This chapter shall be applicable to the extent that its provisions do not conflict with Title IV of the Higher Education Act of 1965, or any extensions thereof, or any similar act of Congress, and the rules and regulations adopted thereunder.

SEC. 28. Section 27 of this act shall be operative until June 30, 1968, after which it shall have no force or effect.

SEC. 29. If any provision of this act, or its application to any person or circumstance, is held invalid, the remainder of this act or the application of any of its provisions to other persons or circumstances is not affected.

SEC. 29.5. The sum of one hundred nineteen thousand nine hundred eighty-eight dollars ($119,988) is hereby appropriated for the 1965–1966 and 1966–1967 fiscal years from the General Fund to the State Scholarship and Loan Commission for financing the administration of the State Guaranteed Loan Program established pursuant to Chapter 4.5 (commencing with Section 31271) of Division 22 of the Education Code.

SEC. 30. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are many deserving students in this state who, because of a lack of funds, are unable to attend a college or university of their choice. In order that the state may take advantage of the recently enacted Higher Education Act of 1965, so that these students may be provided funds for higher education purposes for the 1966–1967 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 64

An act to add Section 22155.5 to the Government Code, relating to coverage of school employees under old age, survivors and disability insurance.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 12, 1966.]

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

SECTION 1. Section 22155.5 is added to the Government Code, to read:

22155.5. The board shall execute no later than December 31, 1966 a modification to the agreement to transfer to the retirement system as defined in Section 22009.1(*l*)(1), created by division of each retirement system as defined in Section 22009.1(c), or by division prior to December 31, 1959 of the State Employees' Retirement System with respect to employees of each school district which was a contracting agency, of the position of any member included in the system as defined in Section 22009.1(*l*)(2) created by each such division who requests such transfer pursuant to the Social Security Act and board rules.

CHAPTER 65

An act to add Sections 22756 and 22757 to, and to amend Section 22750 of, the Education Code, relating to higher education, and making an appropriation therefor.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Section 22750 of the Education Code is amended to read:

22750. (a) The people of the State of California accept the provisions of, and each of the funds provided by, the act of Congress entitled "An act to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities in undergraduate and graduate institutions," approved December 16, 1963.

(b) The people of the State of California accept the provision of, and each of the funds, if any, provided by Title I and Title VI of the federal Higher Education Act of 1965 (P.L. 89-329).

SEC. 2. Section 22756 is added to said code, to read:

22756. The Coordinating Council for Higher Education is designated as the state educational agency to carry out the purposes and the provisions of Title I and Title VI of the Higher Education Act of 1965 (PL 89-329).

The Coordinating Council for Higher Education is hereby vested with authority to prepare and submit to the U.S. Commissioner of Education any state plan required under said titles of said act of Congress, to prepare and submit amendments to such state plan, and to administer such state plan or amendments thereto, in accordance with said act of Congress, and any rules and regulations adopted thereunder. Any such state plan or amendment thereto prepared by the Coordinating Council for Higher Education shall be subject to the approval of the Department of Finance.

The Coordinating Council for Higher Education is hereby vested with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof in the administration of the act of Congress and the rules and regulations adopted thereunder.

SEC. 3. Section 22757 is added to said code, to read:

22757. The Coordinating Council for Higher Education is designated as the state educational agency to carry out the purposes and the provisions of Section 802 of Title VIII of the Housing Act of 1964.

The Coordinating Council for Higher Education is hereby vested with authority to prepare and submit any state plan required by said section of said act of Congress, to prepare and submit amendments to such state plan, and to administer such state plan or amendments thereto, in accordance with said act of Congress, and any rules and regulations adopted thereunder. Any such state plan or amendment thereto prepared by the Coordinating Council for Higher Education shall be subject to the approval of the Department of Finance.

The Coordinating Council for Higher Education is hereby vested with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof in the administration of the act of Congress and the rules and regulations adopted thereunder.

SEC 4 The sum of fifteen thousand dollars ($15,000) is hereby appropriated for the 1966-1967 fiscal year from the General Fund to the Coordinating Council for Higher Education for the purpose of carrying out the powers and duties conferred upon it by Sections 22756 and 22757 of the Education Code.

CHAPTER 66

An act to add Section 5006.6 to the Public Resources Code, and to add Section 1014 to the Fish and Game Code, relating to recreation and fish and wildlife enhancement facilities at the Auburn, Folsom, and County Line Dams and Reservoirs, and Nimbus Dam and Lake Natomas, and stream areas in the immediate vicinity of these facilities.

[Approved by Governor May 12, 1966 Filed with Secretary of State May 13, 1966]

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

SECTION 1. Section 5006.6 is added to the Public Resources Code, to read:

5006.6. The department, with the approval of the Administrator of the Resources Agency and the Department of Finance, is authorized to cooperate and participate with the federal government pursuant to Public Law 89-161 in the development of recreation facilities, or with the approval of the Department of Fish and Game, fish and wildlife enhancement facilities, or both, at Auburn Dam and Reservoir, Folsom Dam and Reservoir, Nimbus Dam and Lake Natomas, and County Line Dam and Reservoir, and stream areas in the immediate vicinity of these facilities.

The department, with the approval of the Administrator of the Resources Agency and the Department of Finance, is authorized to administer unit land and water areas for recreation or fish and wildlife enhancement, or both, and to contract with the federal government for the operation, maintenance, and replacement of unit facilities, to assume all costs of such operation, maintenance, and replacement, and to accept transfer of unit lands or facilities by lease or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation or fish and wildlife enhancement purposes, or both. Any such contract entered into by the department which affects the operation, maintenance or replacement of fish and wildlife enhancement features is subject to approval by the Department of Fish and Game.

The State of California, acting by and through the department, with the approval of the Administrator of the Resources Agency and the Department of Finance, is authorized to enter into a contract or contracts with the federal government to pay or repay one-half of the separable capital costs involved in the development of the recreation or fish and wildlife enhancement features, or both, at the Auburn Dam and Reservoir, Folsom Dam and Reservoir, Nimbus Dam and Lake Natomas, and County Line Dam and Reservoir, and stream areas in the immediate vicinity of these facilities, pursuant to the provisions of Public Law 89-161. The agreement for the payment or repayment of the separable capital costs shall be

limited to those recreation or fish and wildlife enhancement facilities, or both, specified in the contract. Such payments or repayments may be made by any or all of the following methods: by legislative appropriation; by provision of lands, interests therein, or facilities for the unit; or by a contract or contracts for repayment, with interest, within 50 years of first use of unit recreation or fish and wildlife enhancement facilities specified in the contract or contracts. The source of repayment may be limited to entrance and user fees or charges collected at the unit by the department if such fees or charges dedicated to repayment are established on a basis calculated to achieve repayment and are made subject to review and renegotiation at intervals of not more than five years. If the source of repayment is so limited, revenues derived from such fees or charges shall be deposited in a special account in the Special Deposit Fund in the State Treasury and used for the purpose of such repayment. If not so limited, the source of repayment shall be such appropriations of funds as may from time to time be made for such purpose by the Legislature.

The department shall cooperate with any local public body authorized to contract with the federal government pursuant to Public Law 89-161, including, but not limited to, the Counties of El Dorado, Placer, and Sacramento, in planning of any proposed participation with the federal government. The state may contract with any or all of such counties or other local public bodies for the operation, maintenance, and replacement of unit facilities, or any portion thereof, if requested by any or all such counties or other local public bodies.

SEC. 2. Section 1014 is added to the Fish and Game Code, to read:

1014. In the event the Department of Parks and Recreation contracts with the federal government pursuant to Public Law 89-161 for the administration of recreation development or fish and wildlife enhancement facilities, as authorized by Section 5006.6 of the Public Resources Code, the Department of Fish and Game is authorized to operate, maintain and replace those facilities designated as fish and wildlife enhancement facilities and to assume all costs of such operation, maintenance and replacement, subject to appropriation of funds by the Legislature

SEC. 3. It is the intention of the Legislature to authorize the State of California, acting by and through the Department of Parks and Recreation, to cooperate and participate with the federal government in the construction, operation and maintenance of the Auburn Dam and Reservoir, Folsom Dam and Reservoir, Nimbus Dam and Lake Natomas, and the County Line Dam and Reservoir pursuant to Public Law 89-161.

CHAPTER 67

An act to amend Section 1463 of the Penal Code, relating to the disposition of fines collected through the enforcement of traffic laws.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Section 1463 of the Penal Code is amended to read:

1463. Except as otherwise specifically provided by law:

(1) All fines and forfeitures including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the proper funds of the county an amount equal to the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by the state or by the county in which such court is situated, exclusive of fines or forfeitures or forfeitures of bail collected from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within the limits of a city within the county.

(b) Except as otherwise provided in this subdivision, once a month there shall be transferred into the traffic safety fund of each city in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within that city, and an amount equal to the remaining 50 percent shall be transferred to the special road fund of the county.

Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code on state highways constructed as freeways whereon city police officers enforced the provisions of the Vehicle Code on April 1, 1965, within the limits of a city within the county which is set forth in the schedule appearing in subparagraph (c) of this paragraph (1). If this paragraph is applicable within a city, it shall apply uniformly throughout the city to all freeways regardless of the date of freeway construction or completion.

(c) Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by each city in the county which is set forth in the following schedule:

County and City	Percentage
Alameda	
Alameda	18
Albany	29
Berkeley	19
Emeryville	13
Hayward	10
Livermore	7
Oakland	22
Piedmont	44
Pleasanton	17
San Leandro	9
County percentage	21
Amador	
Amador	25
Ione	25
Jackson	25
Plymouth	25
Sutter Creek	25
County percentage	29
Butte	
Biggs	75
Chico	22
Gridley	49
Oroville	9
County percentage	20
Calaveras	
Angels	62
County percentage	62
Colusa	
Colusa	13
Williams	17
County percentage	16
Contra Costa	
Antioch	11
Brentwood	24
Concord	18
El Cerrito	19
Hercules	14
Martinez	22
Pinole	22
Pittsburg	5
Richmond	14
Contra Costa—Continued	
San Pablo	12
Walnut Creek	24
County percentage	14
Del Norte	
Crescent City	19
County percentage	19
El Dorado	
Placerville	14
County percentage	14
Fresno	
Clovis	23
Coalinga	21
Firebaugh	16
Fowler	34
Fresno	26
Huron	24
Kerman	14
Kingsburg	34
Mendota	11
Orange Cove	24
Parlier	21
Reedley	30
Sanger	29
San Joaquin	15
Selma	14
County percentage	24
Glenn	
Orland	27
Willows	36
County percentage	32
Humboldt	
Arcata	9
Blue Lake	26
Eureka	11
Ferndale	30
Fortuna	17
Trinidad	11
County percentage	11
Imperial	
Brawley	8

County and City	Percentage
Imperial—Continued	
Calexico	10
Calipatria	30
El Centro	5
Holtville	16
Imperial	6
Westmorland	12
County percentage	8
Inyo	
Bishop	25
County percentage	25
Kern	
Bakersfield	10
Delano	13
Maricopa	36
Shafter	15
Taft	19
Tehachapi	12
Wasco	28
County percentage	12
Kings	
Corcoran	31
Hanford	21
Lemoore	25
County percentage	25
Lake	
Lakeport	33
County percentage	33
Lassen	
Susanville	21
County percentage	21
Los Angeles	
Alhambra	13
Arcadia	11
Avalon	54
Azusa	11
Bell	11
Beverly Hills	14
Burbank	14
Claremont	5
Compton	16
Covina	11
Culver City	10
El Monte	11
El Segundo	11
Gardena	22
Glendale	16
Glendora	12
Hawthorne	7
Hermosa Beach	14

County and City	Percentage
Los Angeles—Continued	
Huntington Park	12
Inglewood	16
La Verne	14
Long Beach	14
Los Angeles	8
Lynwood	9
Manhattan Beach	13
Maywood	15
Monrovia	11
Montebello	11
Monterey Park	11
Palos Verdes Estates	10
Pasadena	9
Pomona	12
Redondo Beach	15
San Fernando	17
San Gabriel	16
San Marino	5
Santa Monica	11
Sierra Madre	11
Signal Hill	24
South Gate	13
South Pasadena	9
Torrance	16
Vernon	25
West Covina	11
Whittier	11
County percentage	11
Madera	
Chowchilla	17
Madera	16
County percentage	17
Marin	
Belvedere	16
Corte Madera	12
Fairfax	30
Larkspur	30
Mill Valley	13
Ross	18
San Anselmo	11
San Rafael	13
Sausalito	21
County percentage	16
Mendocino	
Fort Bragg	19
Point Arena	40
Ukiah	10
Willits	24
County percentage	17

County and City	Percentage
Merced	
Atwater	23
Dos Palos	21
Gustine	23
Livingston	14
Los Banos	13
Merced	18
County percentage	18
Modoc	
Alturas	42
County percentage	42
Monterey	
Carmel	17
Gonzales	10
Greenfield	13
King City	36
Monterey	13
Pacific Grove	22
Salinas	36
Soledad	16
County percentage	23
Napa	
Calistoga	37
Napa	11
St. Helena	12
County percentage	14
Nevada	
Grass Valley	7
Nevada City	17
County percentage	9
Orange	
County percentage	15
Placer	
Auburn	18
Colfax	8
Lincoln	26
Rocklin	16
Roseville	10
County percentage	14
Plumas	
Portola	19
County percentage	19
Riverside	
Banning	35
Beaumont	15
Blythe	9
Coachella	12
Corona	12
Elsinore	10
Hemet	35

County and City	Percentage
Riverside—Continued	
Indio	16
Palm Springs	35
Perris	14
Riverside	16
San Jacinto	41
County percentage	35
Sacramento	
Folsom	31
Galt	25
Isleton	13
North Sacramento	10
Sacramento	21
County percentage	26
San Benito	
Hollister	9
San Juan Bautista	28
County percentage	11
San Bernardino	
Barstow	23
Chino	14
Colton	21
Fontana	15
Needles	33
Ontario	20
Redlands	28
Rialto	15
San Bernardino	20
Upland	14
County percentage	20
San Diego	
Carlsbad	8
Chula Vista	23
Coronado	25
Del Mar	8
El Cajon	17
Escondido	16
Imperial Beach	8
La Mesa	23
National City	14
Oceanside	15
San Marcos	8
Vista	8
San Diego	6
County percentage	25
San Joaquin	
Lodi	18
Manteca	8
Ripon	11
Stockton	14

County and City	Percentage
San Joaquin—Continued	
Tracy	15
County percentage	14
San Luis Obispo	
Arroyo Grande	9
Paso Robles	26
Pismo Beach	8
San Luis Obispo	21
County percentage	16
San Mateo	
Atherton	27
Belmont	7
Burlingame	38
Colma	40
Daly City	24
Hillsborough	75
Menlo Park	12
Millbrae	16
Redwood City	27
San Bruno	13
San Carlos	8
San Mateo	42
South San Francisco	12
County percentage	21
Santa Barbara	
Guadalupe	28
Lompoc	16
Santa Barbara	11
Santa Maria	12
County percentage	13
Santa Clara	
Alviso	75
Campbell	16
Gilroy	28
Los Altos	16
Los Gatos	30
Morgan Hill	11
Mountain View	13
Palo Alto	21
San Jose	13
Santa Clara	16
Sunnyvale	26
County percentage	16
Santa Cruz	
Capitola	21
Santa Cruz	23
Watsonville	21
County percentage	22
Shasta	
Redding	22
County percentage	22
Sierra	
Loyalton	75
County percentage	75
Siskiyou	
Dorris	18
Dunsmuir	29
Etna	18
Fort Jones	46
Montague	75
Mount Shasta	37
Tulelake	33
Yreka	30
County percentage	29
Solano	
Benicia	17
Dixon	28
Fairfield	31
Rio Vista	19
Suisun	7
Vacaville	15
Vallejo	18
County percentage	19
Sonoma	
Cloverdale	37
Healdsburg	33
Petaluma	24
Santa Rosa	14
Sebastopol	28
Sonoma	28
County percentage	19
Stanislaus	
Ceres	14
Modesto	15
Newman	10
Oakdale	15
Patterson	20
Riverbank	18
Turlock	19
County percentage	15
Sutter	
Live Oak	17
Yuba City	17
County percentage	17
Tehama	
Corning	26
Red Bluff	39
Tehama	10
County percentage	31
Tulare	
Dinuba	21
Exeter	23

County and City	Percentage
Tulare—Continued	
Lindsay	24
Porterville	26
Tulare	20
Visalia	17
Woodlake	15
County percentage	21
Tuolumne	
Sonora	23
County percentage	23
Ventura	
Fillmore	16
Ojai	16
Oxnard	16
Port Hueneme	16
Santa Paula	16
Ventura	16
County percentage	16
Yolo	
Davis	22
Winters	19
Woodland	20
County percentage	20
Yuba	
Marysville	15
Wheatland	38
County percentage	15

In any county for which a county percentage is set forth in the above schedule and which contains a city which is not listed or which is hereafter created, there shall be transferred to the county general fund the county percentage. In any county for which no county percentage is set forth, and in which a city is hereafter created, there shall be transferred to the county general fund 15 percent.

(d) Once a month there shall be transferred to each city in the county an amount equal to the total sum remaining after the transfers provided for in subparagraphs (b) and (c) above have been made of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by such city or arrests made by state officers for misdemeanor violations of the Vehicle Code.

(2) Any money deposited with such court or with the clerk thereof which, by order of the court or for any other reason, should be returned in whole or in part to any person, or which is by law payable to the state or to any other public agency, shall be paid to such person or to the state or to such other public agency by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of such court.

All money deposited as bail which has not been claimed within one year after the final disposition of the case in which such money was deposited, or within one year after an order made by the court for the return or delivery of such money to any person, shall be apportioned between the city and the county and paid or transferred in the manner hereinabove provided for the apportionment and payment of fines and forfeitures. This paragraph shall control over any conflicting provisions of law.

CHAPTER 68

An act to add Section 268.9 to the Revenue and Taxation Code, relating to the welfare exemption, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Section 268.9 is added to the Revenue and Taxation Code, to read:

268.9. For the purposes of Section 268, "property as to which the welfare exemption was available for any fiscal year commencing during the calendar year 1965" 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.

(2) Amended its articles of incorporation during the calendar year 1965 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.

This section shall remain in effect until one year after the effective date of the enactment of this section at the 1966 First Extraordinary Session of the Legislature and shall thereafter be of no force or effect.

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 69

An act to amend Sections 7786 and 7791 of, and to add Section 7771.1 to, the Education Code, relating to specialist teachers in reading instruction.

[Approved by Governor May 12, 1966 Filed with Secretary of State May 13, 1966]

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

SECTION 1. Section 7771.1 is added to the Education Code, to read:

7771.1. During the 1966–67 and 1967–68 school years, if a school district is unable to participate fully in the reading program established under this chapter on a school or district basis because of its inability to employ enough specialist teachers to fully meet the basic quota of certificated employees to be appointed specialist teachers as provided in Sections 7790 and 7791, the governing board of the district may request approval of the State Superintendent of Public Instruction for participation in the program on a reduced basis. Such approval may be granted by the State Superintendent of Public Instruction if he determines that:

(a) In districts having more than one school, all reasonable efforts are made to concentrate available teachers in the school or schools of the district where the need for the program is the greatest so that such schools may benefit from full participation in the program so far as possible.

(b) For the 1966–67 school year, the applicant district or school employs at least 30 percent of the basic quota of certificated employees to be appointed specialist teachers as computed under the provisions of Sections 7790 and 7791.

(c) For the 1967–68 school year, the applicant district or school employs at least 60 percent of the basic quota of certificated employees to be appointed specialist teachers as computed under the provisions of Sections 7790 and 7791.

SEC. 2. Section 7786 of said code is amended to read:

7786. Commencing with the school year 1966–67, and in each year thereafter, a standardized reading achievement test, which shall be adopted by the State Board of Education and distributed to the various school districts, shall be administered to all third grade pupils completing the third grade.

The scores of those pupils who have participated in a remedial program shall be maintained and treated separately.

From a study of the results of these tests in districts which conduct a basic reading program pursuant to this chapter, and the test results in districts which do not conduct such a program, the Superintendent of Public Instruction shall evaluate the basic reading program provided by this chapter, and he shall report his findings annually to the State Board of Education.

The State Board of Education shall report its findings regarding the implementation of, and experience under, the basic reading program provided by this chapter, together with any recommendations for any adjustments in the program, to the Legislature at each general session.

SEC. 3. Section 7791 of said code is amended to read:

7791. For the 1966–67 school year, for any school district in which thirty percent (30%) or more of the first grade pupils received scores falling below the first quartile of scores of the publishers national norm, the basic quota established pursuant to Section 7790 shall be increased by one specialist teacher for each 300 units of average daily attendance in grades one, two, and three, and fractional part thereof, maintained by the district.

For the 1966–67 school year, for any school district in which forty percent (40%) or more of the first grade pupils received scores falling below the first quartile of scores of the publishers national norm, the basic quota established pursuant to Section 7790 shall be increased as ordered by the Department of Education following an investigation of the circumstances of the district.

For the 1967–68 school year and school years thereafter, for any school district in which thirty percent (30%) or more of the first grade pupils received scores falling below the first quartile of scores established on a statewide basis for the reading section of the reading achievement test given during the preceding school year pursuant to Article 3 (commencing with Section 7785) of this chapter, the basic quota established pursuant to Section 7790 shall be increased by one specialist teacher for each 300 units of average daily attendance in grades one, two, and three, and fractional part thereof, maintained by the district.

For the 1967–68 school year and school years thereafter any school district in which forty percent (40%) or more of the first grade pupils received scores falling below the first quartile of scores established on a statewide basis for the reading section of the statewide achievement test given during the preceding school year pursuant to Chapter 9 (commencing with Section 12820) of Division 9, the basic quota established pursuant to Section 7790 shall be increased as ordered by the Department of Education following an investigation of the circumstances of the district.

CHAPTER 70

An act to amend Section 69596 of the Government Code, relating to superior courts.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Section 69596 of the Government Code is amended to read:

69596. In the City and County of San Francisco there shall be 24 judges of the superior court, any one or more of whom may hold court.

CHAPTER 71

An act to amend Section 13 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the Lake County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Section 13 of the Lake County Flood Control and Water Conservation District Act 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 assessments shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) of assessed valuation; and

2. To levy ad valorem 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, according to the benefits derived or to be derived by said respective zones. It is declared that for the purposes of any tax or assessment levied under this subdivision, all property within a given zone is equally benefited.

3 To levy assessments upon all real property in each or any of said zones, according to the special benefits derived or to be derived by such properties, to pay the cost and expenses

of carrying out any of the objects or purposes of this act of special benefit to such properties, 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 6 of Section 5 of this act, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 6 by the terms of which work other than operation and maintenance 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 12 of this act, levy and collect either an ad valorem tax or assessment or a special benefit assessment upon the real 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 ad valorem taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said ad valorem taxes or assessments shall be paid into the county treasury to the credit of said district, or the proper zone or zones thereof.

Said special benefit assessments may be levied and collected as provided in Sections 51230 to 51260, inclusive, 51500 to 51522, inclusive, 51600 to 51654, inclusive, and 51660 to 51894, inclusive, of the Water Code; and said sections of the Water Code, insofar as they are consistent with this act, are hereby incorporated in and made a part of this act and in the proper case shall be applicable and be adjusted and applied under this act to the full possible extent thereof as though expressly enacted, originally, as part of this act.

The board shall have the power to control and order the expenditure for said purposes of all funds so raised; 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. The total amount that may be taxed or assessed against any zone annually for operation and maintenance expenses shall not exceed the amount established in the

order prescribed in Section 12 hereof and any expenses in excess of such limitation shall be borne by the Lake County Flood Control and Water Conservation District; but this provision shall not prevent the Lake County Flood Control and Water Conservation District from agreeing to carry a larger share of such expenses.

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

In order for the district to continue to carry out its functions, it is necessary to permit the levying of ad valorem taxes or assessment upon all property, and therefore it is necessary that this act go into immediate effect.

CHAPTER 72

An act to add Sections 50706 and 51366 to the Water Code, relating to reclamation districts.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Section 50706 is added to the Water Code, to read:

50706. No district formed pursuant to this division shall be subject to the election procedure prescribed for tax or assessment districts by Part 4 (commencing with Section 24001), Division 12 of the Elections Code.

SEC. 2. Section 51366 is added to the Water Code, to read:

51366. If the board, when furnishing to the board of supervisors the estimate referred to in Section 51360, specifies that the special tax is to be levied on taxable land only, the board of supervisors shall levy the special tax on taxable land only. In such case, the term "taxable land and improvements thereon," as used in this article, shall be deemed to refer to taxable land only.

CHAPTER 73

An act to amend Section 20523 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor May 12, 1966 Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Section 20523 of the Government Code is amended to read:

20523. Such shares shall be credited to the respective individual accounts of the members included in this system, and administered as if made during membership in this system, except that the annuity provided by such contributions with accumulated interest shall be deducted first from the pension which otherwise would be payable on account of prior service and the balance of such contributions with accumulated interest shall be deducted from the pension which otherwise would be payable on account of current service. The total of the funds transferred to this system shall be offset against the prior or current service liability, as the case may be, before determining the contribution to be paid by the contracting agency. A former member of the local retirement system who withdrew his contributions prior to the effective date of the contract and who thereafter enters into membership in this system and is entitled to credit under this system for the service on account of which such contributions were made shall not receive credit for such service or any other prior service to the same employer unless he elects to redeposit such contributions prior to the effective date of his retirement in the manner fixed by the board. Such redeposit shall include the withdrawn contributions plus interest included in the withdrawal and interest from the date of withdrawal to date of payment, and any sum so redeposited plus such interest shall be administered as provided in this section for such shares.

The amendments to this section enacted at the 1966 First Extraordinary Session of the Legislature shall not apply to any member who has begun or completed redeposit of such contributions on or before May 1, 1966.

CHAPTER 74

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

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Notwithstanding any other provisions of law, the unexpended balance of the appropriation made by Chapter 20, Statutes of 1965, shall be available for expenditure for the following purposes:

(a) The purposes provided for in Chapter 20, Statutes of 1965; provided that, the local agency applies to the Department of Finance for an allocation of funds on or before October 1, 1966.

(b) The purposes provided for in the Emergency Flood Relief Law (Article 6 (commencing at Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges; provided that, the damage or destruction by storm and flood or flood conditions for which these funds shall be available has occurred between December 1, 1964, and June 30, 1966, and the local agency has applied to the Department of Finance for an allocation of funds on or before October 1, 1966.

(c) The purposes provided for in Section 54155 of the Government Code.

SEC. 1.5. Allocations of funds under this act may be expended, if the local agency so elects, for the repair, restoration, or replacement of a public building to present-day standards; provided, that the square footage of such building is not increased thereby.

SEC. 1.6. Notwithstanding the provisions of Section 54157 of the Government Code, whenever the Department of Finance determines that a local agency to which funds available pursuant to this act are proposed to be allocated is financially unable to meet the matching requirements set forth in Section 54157 of the Government Code due to exhaustion of its financial resources because of disaster expenditures, the provisions of Section 54157 of the Government Code shall not apply, and the Department of Finance may allocate funds available pursuant to this act to pay all of the cost of repairing, restoring, or replacing public buildings of such local agency, or such portion of such cost as the department determines is necessary to accomplish the project, taking into

consideration the financial ability of the local agency to meet the matching requirements of Section 54157 of the Government Code, less any money provided by the United States or any agency thereof for any portion of the cost of the project; provided, that the total amount of state funds allocated for any one project pursuant to this section shall not exceed the sum of one hundred twenty thousand dollars ($120,000).

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

CHAPTER 75

An act to amend Sections 68090 and 68091 of the Government Code, and to amend Section 937 of the Penal Code, relating to compensation of court interpreters.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Section 68090 of the Government Code is amended to read:

68090. Except as otherwise provided by law, interpreters' and translators' fees, for each day's actual attendance, when legally required to attend a coroner's inquest, shall not exceed thirty-five dollars ($35) a day or twenty-five dollars ($25) for one-half day.

SEC. 2. Section 68091 of said code is amended to read:

68091. The aggregate amount of fees that may be allowed to any one person pursuant to Section 68090 of this code, or Section 730 of the Evidence Code as it relates to an interpreter or translator, shall not exceed thirty-five dollars ($35) a day.

SEC. 3 Section 937 of the Penal Code is amended to read:

937. The grand jury or district attorney may require by subpoena the attendance of any person before the grand jury as interpreter. While his services are necessary, such interpreter may be present at the examination of witnesses

before the grand jury. The compensation for services of such interpreter constitutes a charge against the county, and shall be fixed by the grand jury, in an amount not to exceed thirty-five dollars ($35) a day and paid out of the county treasury on a warrant of the county auditor upon an order of the judge of the superior court.

SEC. 4. Until January 1, 1967, except as otherwise provided by law, interpreters' and translators' fees for each day's actual attendance, when legally required to attend upon a court, shall be such fee as may be allowed by the court, not to exceed thirty-five dollars ($35) a day. The aggregate amount of fees that may be allowed to any one person pursuant to Section 68090 of the Government Code and this section shall not exceed thirty-five dollars ($35) a day.

This section shall not be operative after December 31, 1966.

CHAPTER 76

An act making an appropriation to the Emergency Fund in augmentation of Item 293, Budget Act of 1964.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. The sum of four hundred forty-seven thousand three hundred thirty-eight dollars ($447,338) is hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 293, Budget Act of 1964.

The unexpended balance of the sum appropriated by Chapter 250 of the Statutes of 1965 is, without regard to the schedule thereof, also hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 293, Budget Act of 1964.

CHAPTER 77

An act making an appropriation to the Emergency Fund in augmentation of Item 278, Budget Act of 1965.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. The sum of five million four hundred thousand dollars ($5,400,000) is hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and condi-

tions as the appropriation made by Item 278, Budget Act of 1965; provided, further, that the Department of Finance shall furnish to the Joint Legislative Budget Committee, not later than September 1, 1966, a statement of all allocations made from this appropriation during the 1965–66 fiscal year.

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 78

An act to amend Section 20806 of the Education Code, relating to school district taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1966 Filed with Secretary of State May 13, 1966]

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

SECTION 1. Section 20806 of the Education Code is amended to read:

20806. For the purpose of providing funds for the payment by the district of all or part of the premiums, dues, or other charges for health and welfare benefits on active officers and employees and retired officers and employees who at the time of retirement were enrolled in a health and welfare benefit plan, or on the spouses and dependent children of such active and retired officers and employees, or on both such active and retired officers and employees and their spouses and dependent children, which the governing board of a district may have authorized in accordance with the provisions of Article 1 (commencing with Section 53200) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code and for the expenses incurred by the district in administration of a program involving the payment of such health and welfare benefits, district taxes may be levied and collected annually by the respective district at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes.

The provisions of this section authorizing the payment of all or part of the premiums, dues, or other charges for health and welfare benefits for the retired officers and employees who at the time of retirement were enrolled in a health and welfare benefit plan, shall be limited in applicability to any school district, or of two or more school districts governed by governing boards of identical personnel, having an average daily attendance of 400,000 or more as shown by the annual re-

port of the county superintendent of schools for the preceding year.

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

In order that school districts may include in their health and welfare programs, retired officers and employees who at the time of retirement were enrolled in a health and welfare benefit plan and may finance contributions for them from proceeds of this tax for 1966–67, it is necessary that the enabling legislation embodied in this act take effect immediately.

CHAPTER 79

An act to add Chapter 8 (commencing with Section 1725) to Division 2 of, the Health and Safety Code, relating to home health agency licensing, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Chapter 8 (commencing with Section 1725) is added to Division 2 of the Health and Safety Code, to read:

CHAPTER 8. HOME HEALTH AGENCIES

1725 It is the purpose of this chapter to license home health agencies in order to permit certain agencies to meet the requirements of federal law as provided in Public Law 89-97, the Social Security Amendments of 1965. By passing a licensing act it is the intent of the Legislature to allow all those who are qualified to provide home health services to the people of California. It is the further intent that the State Department of Public Health shall establish high standards of quality for home health agencies which provide such services.

1726. No person, private or public organization, political subdivision of the state, or other governmental agency within the state, shall establish, conduct, or maintain in this state any home health agency without first obtaining a license therefor or being approved by the state department as provided in this chapter.

In establishing a system of licensing for home health agencies, it is the purpose of the Legislature to distinguish between the functions of a home health agency and the functions of a nurses' registry licensed pursuant to Chapter 5 (commencing

with Section 1710), Part 6, Division 2 of the Labor Code It is not the intention of the Legislature to require that a licensed nurses' registry performing their functions as defined by Section 1710.4 of the Labor Code secure a home health agency license unless they are performing the functions of a home health agency.

1727. As used in this chapter, the following terms have the meanings set forth in this section

(a) "State department" means the State Department of Public Health.

(b) "Home health agency" means a public agency or private organization, or a subdivision of any such agency or organization, which—

(1) Is primarily engaged in providing skilled nursing services and other therapeutic services to patients in the home on a part-time or intermittent basis, including but not limited to a licensed hospital, sanatorium, nursing or convalescent home or local health department which incidentally to its primary function provides health services in the home environment;

(2) Has policies, established by a group of professional personnel, including one or more physicians and one or more public health nurses as certified by the state department pursuant to Section 600 of this code, to govern the services which it provides, and provides for supervision of such services by a physician or registered nurse, provided that skilled nursing services shall be supervised by a registered nurse. Such policies shall be written and include, but not be limited to, those concerning patient care, personnel, training and indoctrination, supervision and program evaluation;

(3) Maintains clinical records on all patients, including a plan of treatment prescribed by the patient's physician; and

(4) Meets such other standards, rules and regulations adopted by the state department.

(c) "Skilled nursing services" means those services ordinarily provided by a registered nurse or licensed vocational nurse in the home environment to patients under a plan of treatment prescribed by the patient's physician who is licensed to practice medicine in the state.

(d) "Other therapeutic services" includes but is not limited to physical, speech or occupational therapy; medical social services; and home health aide services

(e) "Home health aide services" means those services ordinarily provided by an unlicensed person, including a practical nurse, who is employed by a home health agency to provide supportive services to the patient in the home under the supervision of a registered nurse or a physical, speech, or occupational therapist.

1728. Any person, organization, political subdivision of the state or governmental agency desiring a license under the provisions of this chapter or a hospital as defined in Section 1401 of this division which desires to establish, conduct, or

maintain a home health agency shall file with the state department a verified application on a form prescribed, prepared and furnished by the state department, containing information as may be required by the state department for the proper administration and enforcement of this chapter.

1728.1. To qualify for the license, every applicant shall:

(a) Be of good moral character. (If the applicant is a firm, association, organization, partnership, business trust, corporation, or company, all principal managing members thereof, and the person in charge of the agency for which application for license is made, shall satisfy this requirement. If the applicant is a political subdivision of the state or other governmental agency, the person in charge of the agency for which application for license is made, shall satisfy this requirement.); and

(b) Possess and demonstrate the ability to comply with the provisions of this chapter and rules and regulations promulgated under this chapter by the state department; and

(c) File his application pursuant to and in full compliance with this chapter.

1729. Each application for a license under this chapter, except applications by political subdivisions, shall be accompanied by a fee of two hundred dollars ($200) for the headquarters or main office of the agency and fifty dollars ($50) for each additional branch office maintained and operated by the agency. If a license is denied by the state department, all but twenty-five dollars ($25) of the fee shall be returned to the applicant.

1730. Each license issued under this chapter shall expire at midnight on the 31st day of December of each calendar year for which it is issued. On or before December 1 of each calendar year, the state department shall mail an application for renewal form to each licensee. Application for renewal of license accompanied by the necessary fee shall be filed with the state department annually, not less than 10 days prior to expiration date. Failure to make a timely renewal shall result in expiration of the license.

1731. No person, public or private organization, political subdivision of the state, or other governmental agency within the state, shall continue to operate, conduct, or maintain an existing home health agency after September 30, 1966, without having applied for and obtained a license as provided in this chapter or in the case of a hospital as defined in Section 1401 of this division, having been approved by the state department to establish, conduct, or maintain a home health agency.

1732. Upon filing of the application for license provided for and full compliance with the provisions of this chapter and the rules and regulations promulgated under this chapter by the state department, the state department shall issue to the applicant the license applied for, provided that any hospital as defined in Section 1401 of this division which is licensed under the provisions of Chapter 2 (commencing with Section

1400) of this division is not required to obtain a license. In order for such a hospital to establish, conduct, or maintain a home health agency, it must comply with all the provisions of this chapter and be approved by the state department. Such approval shall be deemed to be licensure and shall not extend past midnight on the 31st day of December of each calendar year. The fee set forth in Section 1729 must be paid before approval is granted. Approval may be denied or withdrawn by the state department on the same grounds as provided for denial, suspension or revocation of a home health agency license. The state department may take the same action against any approved hospital home health agency as it may against any licensed home health agency under this chapter.

1733. Every home health agency for which a license has been issued shall be periodically inspected by a duly authorized representative of the state department no less than once a year. Reports of each such inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the state department and filed with the state department. Such inspection shall be for the purpose of ensuring that the provisions of this chapter and the rules and regulations of the department are being followed. The state department is directed to ensure by such inspection that the home health agency is providing high quality care to its patients in accordance with the orders of the patient's physician.

1734. The state department shall make and promulgate, and may thereafter modify, amend, or rescind, reasonable rules and regulations to carry out the purposes of this chapter, including, the prohibition of specific conduct, determined by the state department to be, inimical to the public health, morals, welfare or safety of the people of the State of California in the maintenance and operation of the home health agency for which a license is issued. In promulgating, modifying, amending or rescinding such rules and regulations, the state department shall consult with, and receive recommendations from among others physicians, pharmacists, public health nurses, and persons representing hospitals, nonprofit home health agencies, proprietary home health agencies and counties whose health department or hospital has a home health agency. The state department shall also comply with all provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

1735. The state department may deny any application for, or suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds and in the manner hereinafter provided:

(a) Violation by the licensee of any of the provisions of this chapter or of any other law of this state or of the rules and regulations promulgated under this chapter.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Misrepresentation of a material fact in the application for a license.

1736. Proceedings for the denial, suspension or revocation of licenses or denial or withdrawal of approval under this chapter shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the state department shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of Chapter 5 (commencing with Section 11500), the latter provisions shall prevail.

The suspension, expiration, or forfeiture by operation of law of a license issued by the state department, or its suspension, forfeiture, or cancellation by order of the state department or by order of a court of law, or its surrender without the written consent of the state department, shall not deprive the state department of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

1737. Any license revoked pursuant to this chapter may be reinstated pursuant to the provisions of Section 11522 of the Government Code.

1737.5. Any licensee may, with the approval of the state department, surrender his license for suspension or cancellation by the state department. Any license suspended or canceled pursuant to this section may be reinstated by the state department on receipt of an application showing compliance with the requirements of Section 1728.

1738. The provisions of this chapter do not apply to any home health agency conducted by and for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

1739. Any person who violates any of the provisions of this chapter or of the rules and regulations promulgated under this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars ($500) or by imprisonment in the county jail for a period not to exceed 180 days or by both such fine and imprisonment.

1740. The director may bring an action to enjoin the violation or threatened violation of Section 1726 in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show

lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

1741. Any officer, employee, or agent of the state department may enter and inspect any building, premises, record or file of a licensee at any reasonable time to secure compliance with, or to prevent a violation of, any provision of this chapter.

1742. The district attorney of every county shall, upon application by the state department or its authorized representative, institute and conduct the prosecution of any action for violation within his county or any provisions of this chapter.

SEC. 2. The sum of thirty-five thousand dollars ($35,000) is hereby appropriated from the General Fund to the State Department of Public Health in augmentation of Item 175 of the Budget Act of 1966 for expenditure by the department for the purposes of this act.

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

Benefits pursuant to the federal program of health insurance for the aged and medical assistance under Title XVIII of the Federal Social Security Act as amended by the Social Security Amendments of 1965 become available in July 1966 and certain providers of home health services will not be eligible to receive federal payments unless they are licensed by the state and conform to other federal requirements. Home health agencies are not presently so licensed, and it is imperative that this act go into immediate effect so that home health agencies can be so licensed in time to participate in the federal program.

CHAPTER 80

An act to add Sections 6517.1 and 6560.1 to the Financial Code, relating to savings and loan association dividends, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Section 6517.1 is added to the Financial Code, to read:

6517.1. Notwithstanding the provisions of Section 6517, upon the withdrawal of any sum evidenced by any share an association may, at its option, pay dividends upon sums received by the association on account of such share within six months prior to such withdrawal, if the commissioner, by regu-

lation, so provides. The commissioner may exercise this authority only if, and to the extent, federal chartered associations have the authority to pay earnings to date of withdrawal upon moneys which have not been invested in such federal chartered associations for a period of at least six months. The provisions of this section shall cease to be operative October 1, 1967.

SEC. 2. Section 6560.1 is added to said code, to read:

6560.1. Notwithstanding the provisions of Section 6560, upon the withdrawal of any sum evidenced by any investment certificate an association may, at its option, pay interest upon sums received by the association on account of such certificate within six months prior to such withdrawal, if the commissioner, by regulation, so provides. The commissioner may exercise this authority only if, and to the extent, federal chartered associations have the authority to pay earnings to date of withdrawal upon moneys which have not been invested in such federal chartered associations for a period of at least six months. The provisions of this section shall cease to be operative October 1, 1967.

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:

On April 10, 1966, regulations pertaining to federal savings and loan associations will go into effect permitting such associations to pay dividends on a savings account to the date of withdrawal, notwithstanding the fact that the account was less than six months old. To permit domestic associations to remain competitive it is necessary that this act go into immediate effect.

CHAPTER 81

An act to amend Section 69900 of the Government Code, relating to superior court employees.

[Approved by Governor May 12, 1966. Filed with Secretary of State May 13, 1966.]

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

SECTION 1. Section 69900 of the Government Code is amended to read:

69900. In each county or city and county with a population of over 730,000 and under 850,000, a majority of the judges of the superior court may appoint the following employees:

(a) One senior assistant jury commissioner at an annual salary of twelve thousand four hundred twenty dollars ($12,420).

(b) Seven judicial secretaries, each at an annual salary of eight thousand two hundred twenty dollars ($8,220).

(c) Two senior deputy clerks, each at an annual salary of eight thousand one hundred dollars ($8,100).

(d) Two deputy information clerks, each at an annual salary of six thousand nine hundred dollars ($6,900).

(e) Two probate court commissioners, each at an annual salary of nineteen thousand eight hundred dollars ($19,800).

(f) One chief calendar clerk at an annual salary of twelve thousand four hundred twenty dollars ($12,420).

(g) One domestic relations court commissioner at an annual salary of fifteen thousand dollars ($15,000).

(h) Three domestic relations deputy commissioners, each at an annual salary of eleven thousand four hundred dollars ($11,400).

(i) Two assistant court commissioners and law clerks each at an annual salary of eleven thousand forty dollars ($11,040).

(j) One court commissioner at an annual salary of nineteen thousand eight hundred dollars ($19,800).

(k) Four referees, juvenile court, each at an annual salary of nineteen thousand eight hundred dollars ($19,800).

The salaries of such employees shall be paid by the county or city and county in which they serve.

CHAPTER 82

An act to add Section 24391 to the Health and Safety Code and to amend Section 24007 of the Vehicle Code, relating to motor vehicle pollution control.

[Approved by Governor May 18, 1966. Filed with Secretary of State May 18, 1966.]

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

SECTION 1. Section 24391 is added to the Health and Safety Code, to read:

24391. No new motor vehicle required pursuant to this chapter to be equipped with a certified device to control the emissions of pollutants from the crankcase or exhaust shall be sold in this state unless the manufacturer thereof has filed a certificate with the board within the preceding 12 months stating that all new motor vehicles of that make, model and year will be equipped at the factory with certified devices as required by this chapter.

SEC. 2. 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 transfer of registration of every 1955 or later year model motor vehicle subject to Section 24390 of the Health and Safety Code, transmit to the Department of Motor Vehicles 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.

CHAPTER 83

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

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. The sum of seventy-six thousand one hundred sixty-seven dollars ($76,167) is hereby appropriated from the General Fund in the State Treasury for payment of the expenses of the Members of the Assembly and the Senate necessarily incurred in connection with the sessions of the Legislature in accordance with the following schedule:

(a) For expenses of Members of the Assembly__ $52,080

(b) For expenses of Members of the Senate_____ $24,087

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 84

An act to add Section 72602.8 to the Government Code, relating to courts.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 72602.8 is added to the Government Code, to read:

72602.8. On October 1, 1966, the number of judges prescribed by Section 72602 for the Los Angeles Municipal Court District shall be increased to a total of 52 judges. On July 1, 1968, the number of judges prescribed for such judicial district shall be further increased to a total of 55 judges.

CHAPTER 85

An act to amend Sections 42050 and 42052 of the Vehicle Code and Sections 17305, 17305.5, 18251, and 18253 of the Education Code, relating to driver training penalty assessments.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 42050 of the Vehicle Code is amended to read:

42050. To reimburse the General Fund for amounts appropriated therefrom for driver training pursuant to Section 17305 of the Education Code, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance, relating to the operation of motor vehicles, except offenses relating to parking or registration, in the following amounts:

(a) Where a fine is imposed	$3 for each $20 of fine, or fraction thereof.
(b) If sentence is suspended	$3 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).
(c) If bail is forfeited	$3 for each $20 of bail, or fraction thereof.
(d) Where multiple offenses are involved	The penalty assessment shall be based on the total fine or bail for all offenses, or $3 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

SEC. 2. Section 42052 of said code is amended to read:

42052. After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Driver Training Penalty Assessment Fund, which fund is hereby created, to be used exclusively to reimburse the General Fund as provided in Section 42050, and all moneys deposited in such Driver Training Penalty Assessment Fund on or after September 15, 1961, shall be credited to such fund and shall be made available for reimbursement purposes. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

SEC. 3. 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 fifty dollars ($50) 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 fifty dollars ($50) 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. 4. Section 17305.5 of said code is amended to read:

17305.5. The amounts provided under Section 17305 for any fiscal year shall not exceed an amount equal to the sum of the moneys credited to the Driver Training Penalty Assessment Fund in the State Treasury during the preceding fiscal year and the amount by which the deposits in the Driver Training Penalty Assessment Fund on or after September 15, 1961, have exceeded the amounts required to reimburse the General Fund on account of transfers made after such date.

SEC. 5. Section 18251 of said code is amended to read:

18251. The Superintendent of Public Instruction shall allow to each school district an amount equal to the actual cost, but not in excess of fifty dollars ($50) per pupil instructed in automobile driver training during the preceding fiscal year in accordance with Section 8109 and 18252 and with regulations set forth by the State Board of Education to districts for instructing pupils in automobile driver training.

SEC. 6. 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 fifty dollars ($50) per pupil instructed, and (2) expended by the district 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. 7. The increase in the penalty assessment provided by Section 1 of this act shall be effective only until October 1, 1967. Thereafter, the penalty assessment provided by Section 42050 of the Vehicle Code, as that section read prior to the effective date of this act, shall apply.

CHAPTER 86

An act to amend Section 556.1 of the Insurance Code, relating to insurance claim forms.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 556.1 of the Insurance Code is amended to read:

556.1. Any insurer who, in connection with any insurance contract or provision of contract described in Section 108, prints, reproduces, or furnishes a form to any person upon which such person gives notice to such insurer or makes claim against it by reason of accident, injury, death, or other noticed or claimed loss, shall cause to be printed or displayed verbatim thereon, or on a rider attached thereto, in comparative prominence with other content, spacing and format thereof, the provisions of Section 556. Such reproduced provisions of Section 556 shall be preceded by the words: "For your protection California law requires the following to appear on this form" or other explanatory words of similar meaning.

CHAPTER 87

An act to amend Section 1744.1 of the Code of Civil Procedure, relating to conciliation courts.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 1744.1 of the Code of Civil Procedure is amended to read:

1744.1. In each county having a population of less than 1,000,000, as determined by the 1960 federal census, the superior court may appoint, with the consent and 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 counselor of conciliation who shall have the power to:

(1) Hold conciliation conferences with parties to, and hearings in, proceedings under this chapter, and make recommendations concerning such proceedings to the judge of the conciliation court.

(2) Provide such supervision in connection with the exercise of its jurisdiction as the judge of the conciliation court may direct.

(3) Cause such reports to be made, such statistics to be compiled and such records to be kept as the judge of the conciliation court may direct.

(4) Hold such hearings in all conciliation court cases as may be required by the judge of the conciliation court, and make all investigations as may be required by the court, and in general perform all such duties as may be required by the court to carry out the intent of this chapter.

(b) One assistant commissioner of conciliation.

(c) One secretary.

(d) Such office assistants as may be required to properly handle the clerical work of the court.

The salaries of persons appointed under this section shall be fixed by the board of supervisors of the county. All persons appointed under this section may be dismissed for any reason by a majority vote of the judges of the superior court of the county.

The superior court or board of supervisors may, at any time, abolish any or all positions created pursuant to this section.

CHAPTER 88

An act to add Article 35.5 (commencing with Section 74918) to Chapter 10 of Title 8 of the Government Code, relating to municipal courts.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Article 35.5 (commencing with Section 74918) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 35.5. Victorville

74918. This article applies to the municipal court established in a district embracing the Victor Judicial District in the Victorville area of the County of San Bernardino.

74918.1. There shall be one judge.

74918.2. There shall be one clerk of the municipal court who may appoint one municipal court clerk, two senior clerks, and four intermediate clerks.

74918.3. There shall be one marshal who shall receive a monthly salary of seven hundred forty-nine dollars ($749) and who may appoint one intermediate clerk and one bailiff.

74918.4. The monthly salaries for the following positions

shall be according to, and shall be increased in accordance with, the schedule set forth below:

Classification	Salary Range								
	A	1	B	2	C	3	D	4	E
Clerk of the municipal court I	$696	713	731	749	767	786	805	825	845
Assistant clerk of the municipal court I	$519	532	545	559	573	587	601	616	631
Municipal court supervising clerk	$507	519	532	545	559	573	587	601	616
Municipal court clerk	$507	519	532	545	559	573	587	601	616
Principal clerk	$449	460	471	483	495	507	519	532	545
Municipal court clerk assistant	$438	449	460	471	483	495	507	519	532
Senior stenographer clerk	$438	449	460	471	483	495	507	519	532
Fiscal assistant	$427	438	449	460	471	483	495	507	519
Senior clerk	$417	427	438	449	460	471	483	495	507
Stenographer clerk	$378	387	397	407	417	427	438	449	460
Intermediate clerk	$360	369	378	387	397	407	417	427	438
Clerk	$327	335	343	351	360	369	378	387	397
Deputy marshal	$507	519	532	545	559	573	587	601	616
Bailiff	$460	471	483	495	507	519	532	545	559

74918.5 The hiring salary for each position set forth in Section 74918.4 shall be the salary in column A. A service period of six months shall be required for salary increase from column A to column B and one additional year service for a salary increase from column B to column C. A service period of 18 months shall be required for a salary increase from column C to column D and two additional years of service for a salary increase from column D to column E.

74918.6. 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 Section 74918.4 in order to provide classification and compensation that is comparable to county employees of similar qualifications and experience in the classified service of the County of San Bernardino as such comparability is determined by the Civil Service Commission and the board of supervisors.

74918.7. 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.

74918.8. Official reporters in the Municipal Court of the Victor Judicial District appointed pursuant to Section 72194

shall be attachés of such court and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court of the County of San Bernardino, which shall be a charge against the general fund of the county.

74918.9. In any civil action or proceedings, in order to help defray the costs of reporting services, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of this title, a fee of five dollars ($5) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceedings, in the following instances:

(a) Upon the filing of a complaint or other first paper;

(b) Upon the filing of an answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff;

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding.

The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court. All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 (commencing with Section 72050) of Chapter 8 of this title.

74918.10. Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

74918.11. Official reporters of the court shall be members of any retirement system maintained by the county in which they are employed. For the purposes of such retirement system, the salary provided for such reporters in this article shall be deemed their entire compensation.

74918.12 Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court, with approval of the judges of the court and the Board of Supervisors of the County of San Bernardino, an officer or an attaché of the court, whether appointed under the provisions of this article or under Article 4 (commencing with Section 72150) of Chapter 8 of this title, may be paid any compensation which is within the ranges and

increments set forth in this article, in excess of or less than the maximum to which such employee would otherwise be entitled, provided that any such salary adjustments shall not extend longer than 90 days after the adjournment of the next general session of the Legislature.

CHAPTER 89

An act to amend Sections 1629 and 1750 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 1629 of the Revenue and Taxation Code is amended to read:

1629. The provisions of this article shall be operative in the Counties of Los Angeles, Contra Costa, San Diego, San Mateo and Santa Clara.

SEC. 2. Section 1750 of said code is amended to read:

1750. The provisions of this chapter shall be operative only in counties having a population of 4,000,000 or more, and in any county having a population between 1,000,000 and 4,000,000, as determined by the 1960 federal census, the board of supervisors of which has adopted an ordinance declaring that this chapter shall be applicable to such county.

Sections 617, 1601, 1603, 1612, 1614, 1623, 1628, 1646, 1647, and 2601 of this code shall not be operative in any county to which this chapter applies.

SEC. 3. Sections 1 and 2 of this act shall not become operative if Assembly Bill No. 80 is enacted at the 1966 First Extraordinary Session of the Legislature.

CHAPTER 90

An act to repeal Part 5 5 (commencing with Section 11101) of Division 2 of, , and to add Part 16 (commencing with Section 36000) to Division 2 of, the Revenue and Taxation Code, to amend Sections 30001 and 30636 of, to repeal Article 1 (commencing with Section 30950) of Chapter 7 of Part 3 of Division 10 of, and to add Article 4 (commencing with Section 30950) to Chapter 7 of Part 3 of Division 10 of, the Public Utilities Code, relating to rapid transit.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Part 5 5 (commencing with Section 11101) of Division 2 of the Revenue and Taxation Code is repealed.

SEC 2 Part 16 (commencing with Section 36000) is added to Division 2 of said code, to read:

PART 16. RAPID TRANSIT PLANNING

Article 1. General Provisions

36000. The provisions of this part shall be applicable only within counties having a population of 1,000,000 persons or more as determined by the last federal decennial census. The powers of taxation conferred upon counties by this part shall be in addition to all other powers of taxation conferred by law upon counties.

36001. The board of supervisors of a county may, as provided in this part, impose any one or any combination of the taxes authorized by this part one time and for one year only. An ordinance imposing a special tax as authorized by this part shall be irrepealable following its effective date

36002. As used in this part, the following terms have the meanings ascribed to them in this section unless the context clearly indicates to the contrary:

(a) "Rapid transit district" means a public corporation organized pursuant to state law, designated in its enabling legislation as a rapid transit district, the governing body of which is either elected by the inhabitants of its territory or appointed by city or county boards or officers elected by the inhabitants of its territory, and which is authorized by state law to construct and operate a rapid transit system.

(b) "Rapid transit system" means any new system for the transportation of passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, taxi or any other motor vehicle not on an individual passenger fare-paying basis.

(c) "Special tax" or "special taxes" means the taxes imposed as authorized by this part.

Article 2. County Property Taxes

36010. The board of supervisors of a county may appropriate the amount authorized by this section to contribute to any rapid transit district authorized by law to plan and construct a rapid transit system, for purposes of planning, surveying, engineering, preparing information and reports, publicizing and holding meetings and noticing and holding hearings as may be required or authorized by law, including the law applicable to any rapid transit district, for the development of an operating rapid transit system to benefit the residents of the county, including the expenses of the calling, giving notice of, holding and conducting of any bond election incurred by such rapid transit district. Such an appropriation may be included in the budget for one year only and one time only, and may be used in computing and fixing the rates of tax on all taxable property within the county for such year.

The board of supervisors shall not make an appropriation pursuant to this section until the tax authorized by Article 3 (commencing with Section 36020) and Article 4 (commencing with Section 36060) of this part have been imposed at the maximum rate authorized and both taxes combined have failed to yield revenue at least in the amount of three million nine hundred thousand dollars ($3,900,000), in which case the board of supervisors may appropriate pursuant to this section an amount equal to the difference between the amount of revenue so raised and three million nine hundred thousand dollars ($3,900,000) or so much thereof as may be necessary to contribute to a rapid transit district for the purposes set forth in this section.

The district shall prepare and file with the county prior to the date on which an appropriation is made by the county, a budget providing for the use of all moneys received by the district from the county under this section or any other section of this part and the expenditures by the district of said moneys shall be substantially as proposed in said budget unless modified for cause and the modification approved by the board of supervisors.

Article 3. Vehicle License Fees

36020. Notwithstanding the provisions of Section 10758 of this code, the board of supervisors of a county may, one time only, by ordinance, adopt a vehicle license fee pursuant to this article which shall be operative for one calendar year only.

36021. No vehicle license fee ordinance adopted pursuant to this article shall be effective for any calendar year prior to 1967, nor unless it is adopted, and a certified copy thereof delivered to the Department of Motor Vehicles, at least four months prior to the first day of January for the calendar year for which it is to be operative.

36022. The vehicle license fee ordinance adopted under this article shall be imposed for the privilege of operating upon the

public highways in the county any vehicle of a type which is subject to registration under the Vehicle Code, unless specifically exempted under the terms of the ordinance, and shall include provisions in substance as follows:

(a) A provision that the annual amount of the license fee shall be an amount not exceeding one dollar ($1) for every vehicle subject to registration under the Vehicle Code.

(b) Provisions identical to those contained in Part 5 (commencing with Section 10701) of Division 2 of this code, insofar as they relate to vehicle license fees and are applicable, except that the name of the county as the taxing agency shall be substituted for that of the state, and that the term "vehicle of a type subject to registration under the Vehicle Code" does not include (1) any vehicle in the inventory of vehicles held for sale by a manufacturer, distributor or dealer in the course of his business until such time as the vehicle is sold, (2) any trailer coach, or (3) any class of vehicles specifically made exempt from the vehicle license fees authorized by this article by the terms of the ordinance imposing such fees.

(c) A provision that all amendments subsequent to the effective date of the county vehicle license fee ordinance to Part 5 (commencing with Section 10701) of Division 2 of this code relating to vehicle license fees and not inconsistent with this article, shall automatically become a part of the county vehicle license fee ordinance.

(d) A provision that the county contract with the Department of Motor Vehicles to perform all functions incident to the administration or operation of the vehicle license fee ordinance of the county.

(e) A provision that the vehicle license fee ordinance shall become operative on the first day of January of the year next succeeding the year in which the ordinance is adopted, subject to the provisions of Section 36021.

(f) A provision that the total revenue derived from any vehicle license fee ordinance adopted pursuant to this article shall be distributed to the county for use exclusively for making contributions to any rapid transit district for the purposes provided in Section 36010 of this code.

36023. All vehicle license fees shall be collected by the Department of Motor Vehicles pursuant to a contract with the county and shall be transmitted to the county by the department periodically as promptly as feasible, and the department shall charge the county for the department's services specified in this section and Section 36022 such amount as will reimburse the department for the actual additional cost to it in rendering the services. Refunds to licensees pursuant to Part 5 of Division 2 of this code as incorporated in the vehicle license fee ordinance shall be made and administered as provided in such contract.

36024. A person, natural or other than natural, shall, for the purposes provided in this article, be presumed to be operat-

ing a vehicle on the public highways only in the county of residence as it is reflected in the registration records of the Department of Motor Vehicles and he shall be subject to a vehicle license fee under this article only in that county. The department is authorized to establish administrative procedures for the collection of vehicle license fees. In determining the place of residence of a person the department shall be entitled to rely upon the address reflected in its records unless any such person or persons or county or district shall establish to the satisfaction of the department that the place is otherwise.

36025. This article constitutes a continuation of, and amendment by way of addition to, Chapter 362 of the Statutes of 1935, as amended and codified.

Article 4. Licensing Parking Lots

36060. The board of supervisors of the county may license for revenue, effective for a period of one year only, and fix the license tax upon, every commercial establishment engaged in the business of parking for a fee any vehicle of a type which is subject to registration under the Vehicle Code. The tax shall not exceed five percent (5%) of the gross receipts of the business which it obtained from parking vehicles.

The revenue derived from the tax authorized by this section shall be used to pay all costs of administering and collecting the tax and not to exceed a total of three million nine hundred thousand dollars ($3,900,000) shall be used for making contributions to the rapid transit district for the purposes provided in Section 36010 of this code.

Article 5. Limitation on Contribution by County

36080. The total amount of money that may be contributed by the county pursuant to this part shall not exceed in the aggregate amount regardless of the period of time involved under any one of the following alternatives: (1) the maximum amount that may be contributed under Article 3 (commencing with Section 36020) of this part, or (2) the total sum of three million nine hundred thousand dollars ($3,900,000) to be paid in full from revenue derived pursuant to the tax authorized by Article 4 (commencing with Section 36060) of this part. If the revenue derived from either of such taxes is insufficient for the purposes set forth in Section 36010, both of such taxes shall be imposed at the maximum authorized rate prior to the time an appropriation shall be authorized in the amount and in the manner specified in Article 2 (commencing with Section 36010) of this part. After the effective date of a special tax ordinance adopted pursuant to this part, the county may advance sums to a rapid transit district not to exceed the foregoing amounts, from any county funds legally

available for such purpose, in anticipation of the receipt of tax moneys to be received by the county pursuant to the special tax ordinance.

SEC. 3. Section 30001 of the Public Utilities Code is amended to read:

30001. The Legislature hereby finds and declares:

(a) There is an imperative need for a comprehensive mass rapid transit system in the southern California area, and particularly in Los Angeles County. Diminution of congestion on the streets and highways in Los Angeles will facilitate passage of all Californians motoring through the most populous area of this state and will especially benefit domiciliaries of that county who reside both within and without the rapid transit district.

(b) In view of the limited powers of the Los Angeles Metropolitan Transit Authority (herein sometimes referred to as "authority") it has become apparent that the authority is unable to solve the transit problems of the southern California area and provide the needed comprehensive mass rapid transit system.

(c) It is, therefore, necessary to provide a successor corporation to the authority, to wit: a transit district, and to establish such transit district governed by representatives of the governmental agencies in the southern California area so that there will be sufficient power and authority to solve the transportation problems in the southern California area and to provide the needed comprehensive mass rapid transit system.

SEC. 4. Section 30636 of the Public Utilities Code is amended to read:

30636. As soon as practicable after the effective date of this part, the board shall cause a preliminary report to be made as to a rapid transit service and system which shall include:

(a) The estimated cost of the proposed acquisition, and construction and all incidental expenses connected therewith.

(b) The probable sources of income from the system and the estimated amount thereof.

(c) The estimated cost of maintenance and operation thereof.

(d) The proposed method or methods of financing.

(e) Any other information deemed pertinent, including, without limitation, a preliminary sketch or sketches, plan or plans or design of stations, platforms, terminals, structures and facilities constituting a method of rapid transit (all of the foregoing being hereafter referred to in this section by the word "facilities"), the proposed locations thereof and the proposed routes of the system.

The district shall, in connection with the studies necessary to determine the possible routes and locations for the said facilities, confer with the appropriate local governing bodies and other agencies that may be affected thereby and with their technical and planning personnel, obtaining where available any master or general plan in the affected areas.

The district shall give written notice of the preliminary report to each affected city or county that it may, within a period prescribed by the district (which period shall not be less than sixty (60) days), submit comments or evidence as to the effect that the design, location and routes of said facilities would have in their areas, including, without limitation, the effect upon property values, state and local facilities, and city street and county highway traffic.

When sufficient information has been accumulated to permit intelligent discussion, the district shall publicize and hold such public meeting or meetings as may be reasonably necessary to acquaint interested individuals, officials and civic or other groups with the studies made and the information developed and to obtain their views with respect to the preliminary report.

Using the information developed the district shall then prepare a final report containing the foregoing subdivisions (a) to (e) and such other matters deemed pertinent, including, without limitation, the information obtained at conferences and meetings, the relationship between all proposed routes and locations of such facilities and any master or general plans of the affected local agency or agencies and any information submitted by affected cities or counties pursuant to this section. The final report shall conclude with a recommendation as to the routes, location and design of such facilities.

The district shall serve written notice of the final report to each affected city or county that it may, within a period to be prescribed by the district (which period shall be not less than sixty (60) days), request a public hearing. Such notification shall include a statement that the district will hold a public hearing, if requested to do so by the governing body, within thirty (30) days following receipt of such written notification by the governing body; provided, however, that if, prior to receipt of such notification from the district, the governing body or bodies shall have, by resolution, declared that no public hearing by the district is necessary, then the notification by the district shall advise such governing body only of the intention of the district to consider the matter.

If any such governing body requests such hearing, the district shall hold a hearing, after public notice given in such manner as the district may determine, at which time and place all persons, and official bodies and other organizations interested in the matter, shall be afforded an opportunity to be heard. The district may also, on its own motion, call a public meeting or hold such hearings as it may deem appropriate. If no hearing is requested, the district may determine the routes, locations and design for the said facilities within the limits of the cities or counties to which the notice required by this section was given after the expiration of such period of thirty (30) days. If a hearing is requested, the district must determine the routes, location and design for said facilities within the limits of the cities or counties to which the notice required

by this section was given within ninety (90) days after the first day on which such hearing is held.

Any city or county that objects to a particular route or design may request the district for an estimate of the extra capital cost of eliminating its particular objection by rerouting or redesign. The district shall make such estimate and transmit it to the objecting city or county. The city or county may then offer to pay the increase in capital cost and the redesign cost thereof. The district may, in its discretion, accept such offer, subject to provisions satisfactory to it being made for the payment thereof, and reroute or redesign; or it may, in its discretion, conduct improvement district proceedings under Article 5 (commencing with Section 30960) of Chapter 7 of this part to pay such increase in capital cost and redesign cost or it may reject the objection.

This section is not intended to require in any report or reports made under the section prior to a bond election for the acquisition and construction of a line or lines or system (or such part thereof as the board determines to call a bond election on, and whether such report or reports be designated preliminary or final) detailed plans and specifications such as would be necessary for the acquisition and construction of the facilities or any part thereof, nor is it the intent of this section to prevent the district from taking advantage in the final plans and specifications of any technological advances, if the same occur, or from making changes due to additional information based on the results of surveys, experiments or tests.

Failure to comply in whole or part, or any defect in compliance with this section prior to a bond election, shall not affect the validity of the bond election or of the bonds, but as to any line to be acquired or constructed from the proceeds of the bonds this section must be substantially complied with prior to the expenditure of the proceeds of the bonds on such line, and no substantial change in any route theretofore determined following the procedure required by this section may be made without holding further hearings pursuant to notice given in such manner as the district may determine if the proposed change in the route is objected to by any city or county affected thereby.

SEC. 5. Article 4 (commencing with Section 30950) of Chapter 7 of Part 3 of Division 10 of said code is repealed.

SEC. 6. Article 4 (commencing with Section 30950) is added to Chapter 7 of Part 3 of Division 10 of said code, to read:

Article 4. Temporary Borrowing

30950 Prior to the time moneys authorized by special taxes under Part 16 (commencing with Section 36000) of Division 2 of the Revenue and Taxation Code and already levied by the county are available or funds are allocated to the district

under said part or other state or federal laws, the district may borrow money to provide funds for the purposes provided in Section 30636 of this code, and for the expenses of the calling, giving notice of, holding and conducting of any bond election under this part.

The amount to be borrowed pursuant to this section shall be evidenced by notes bearing interest at a rate of not to exceed 6 percent per annum, payable annually or semiannually, maturing not more than two years from their date and subject to call and redemption at the option of the district at any time prior to their stated maturity dates on the terms and conditions specified by the board and stated in the notes. The amount to be borrowed pursuant to this section (including both the principal of and interest to maturity on the notes evidencing such borrowing) shall not exceed eighty-five percent (85%) of the special tax or said other moneys to be used to repay said notes and interest thereon and to be received by the district between the date of borrowing and the final maturity date of the notes, as estimated by the auditor at the time of the borrowing. The notes shall be payable only from special taxes authorized under Part 16 (commencing with Section 36000) of Division 2 of the Revenue and Taxation Code and already levied by the county, or from other moneys allocated under state laws other than this part, or federal laws. The form of the notes and the provisions of the resolution or resolutions of the board providing for their issuance and sale shall be governed by the applicable provisions of this article

30951. The district may borrow money in anticipation of the sale of bonds which have been authorized to be issued, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor for the same purposes and may renew the same from time to time, but the maximum maturity of any such notes, including the renewals thereof, shall not exceed five years from the date of delivery of such original notes. Such notes shall be paid from any moneys of the district from which said bonds would be payable. If not so paid the notes shall be paid from the proceeds of the next sale of the bonds of the district in anticipation of which they were issued, and if said bonds are not issued, then taxes may be levied for their payment in the same manner as taxes are levied for said bonds. Such notes shall not be issued in an amount in excess of the aggregate amount of authorized bonds of the district remaining, less the amount of bond anticipation notes outstanding. Such notes shall be in such form as the board of directors of the district may select and may include any applicable provisions of the bonds in anticipation of which they were issued. The notes may be sold as the board of directors of the district determines by resolution but not for less than par. Before selling the notes or any part thereof the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received the notes offered for sale shall be awarded to the highest responsible

bidder. If no bids are received or if the board of directors determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board of directors may reject all bids received, if any, and readvertise for sealed bids.

SEC. 7. If any section, subsection, clause, or phrase of this act, or the application thereof to any person or circumstance, is for any reason held invalid, the validity of the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that one or more sections, subsections, clauses, or phrases, or the application thereof to any person or circumstance, be held invalid.

CHAPTER 91

An act to amend Section 2813 of the Vehicle Code, relating to inspection of commercial vehicles.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 2813 of the Vehicle Code is amended to read:

2813. Every driver of a commercial vehicle shall stop and submit the vehicle to an inspection of the size, weight, equipment, and smoke emissions of the vehicle at any location where members of the California Highway Patrol are conducting tests and inspections of commercial vehicles and when signs are displayed requiring such stop.

CHAPTER 92

An act to amend Sections 69102.5 and 69103 of the Government Code, relating to the courts, and making an appropriation therefor.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 69102.5 of the Government Code is amended to read:

69102.5. The District Court of Appeal for the First Appellate District consists of four divisions and shall hold its regular sessions at San Francisco.

SEC. 2. Section 69103 of the Government Code is amended to read:

69103. The District Court of Appeal for the Second Appellate District consists of five divisions and shall hold its regular sessions at Los Angeles.

SEC. 3. There is appropriated from the General Fund, for support of the district courts of appeal, the sum of four hundred seventy thousand dollars ($470,000) for expenditure in accordance with the following schedule:

For additional support of the District Court of Appeal, First Appellate District, in augmentation of Item 19 of the Budget Act of 1966	$235,000
For additional support of the District Court of Appeal, Second Appellate District, in augmentation of Item 20 of the Budget Act of 1966	$235,000

CHAPTER 93

An act to amend Section 4830 of the Health and Safety Code, relating to lands within water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. 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. Notwithstanding the provisions of the preceding sentence, territory, whether situated within the same or another county and whether incorporated or unincorporated, which is included in a county water district, California water district, municipal water district, county waterworks district, or any other water district, which district is not, at the time of the proposed annexation, performing similar services in the area proposed to be annexed, may be annexed to a county sanitation district if the board of supervisors finds and determines that the additional territory will be benefited by the 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. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are areas within water districts which are not receiving the vital services which are provided by county sanitation districts. In order that such areas may take immediate advantage of the sanitation services available, it is essential that this act take effect immediately.

CHAPTER 94

An act to amend Sections 11558.2 and 65014.1 of the Government Code, relating to State Office of Planning.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 11558.2 of the Government Code is amended to read:

11558.2. An annual salary of twenty thousand dollars ($20,000) shall be paid to each of the following:

(a) Commissioner of the Economic Development Agency.

(b) State Planning Officer.

SEC. 2. Section 65014.1 of said code is amended to read:

65014.1. For the purpose of administering this article, the Governor shall appoint, subject to confirmation by the Senate, a State Planning Officer.

CHAPTER 95

An act to add Section 1767 to, and to add Article 3 (commencing with Section 25446) to Chapter 2 of Division 18.5 of, and to amend Section 25484 of, the Education Code, relating to junior college district boundaries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 1767 is added to the Education Code, to read:

1767. The provisions of this article shall not apply to any junior college district to which the provisions of Article 3

(commencing with Section 25446) of Chapter 2 of Division 18.5 of this code are applicable.

SEC. 2. Article 3 (commencing with Section 25446) is added to Chapter 2 of Division 18.5 of said code, to read:

Article 3. Alternate Provisions for Junior College District Boundaries

25446. The provisions of this article shall apply on and after the date that the county committee on school district organization or the governing board of the junior college district makes the finding pursuant to subdivision (b):

(a) Whenever a proposed unification of school district territory could affect the boundaries of any junior college district under Article 6 (commencing with Section 1761) of Chapter 1 of Division 5, or Section 25484, of this code; and

(b) If prior to the date of the election to be held for the adoption or rejection of the proposal for unification, (1) the county committee on school district organization of any county whose junior college school district boundaries could be affected by the formation of the proposed unified school district finds that a change in the boundaries or territory of any junior college district pursuant to Article 6 (commencing with Section 1761) of Chapter 1 of Division 5, or Section 25484, of this code will so adversely affect or alter the junior college district as a whole that the county committee cannot recommend that the proposal be adopted; or (2) the governing board of any junior college district whose boundaries could be affected by the formation of the proposed unified school district finds that a change in the boundaries or territory of the junior college district pursuant to Article 6 (commencing with Section 1761) of Chapter 1 of Division 5, or Section 25484, of this code will so adversely affect or alter the junior college district as a whole that the governing board cannot recommend that the proposal be adopted.

25446.1. Prior to the date of the election specified in subdivision (b) of Section 25446, the State Board of Education and the county superintendent of schools who is required to call the election shall be given written notice by the county committee on school district organization or the governing board of the junior college district, as the case may be, of the finding it makes pursuant to subdivision (b) of Section 25446.

25447. Whenever a unified school district is formed to include territory of one or more junior college districts, the boundaries of any such junior college district or districts shall not change if the county committee on school district organization or the governing board of the junior college district, as the case may be, has made a finding pursuant to subdivision (b) of Section 25446 and has given notice thereof pursuant to Section 25446.1.

25447.1. Whenever the boundary of any high school or unified district included in a junior college district is changed by annexation or transfer of property, such change shall not effect a corresponding change in the junior college district boundary, unless a change in junior college districts' boundaries is included in the terms of agreement to the annexation or change of boundaries approved by the governing boards of the districts affected.

25448. If a new high school or unified district is formed from territory entirely within an existing junior college district, the new high school or unified district shall continue to be part of the junior college district.

SEC. 3. Section 25484 of said code is amended to read:

25484. Whenever the boundary of any high school district included in a junior college district is changed by annexation, withdrawal, operation of law or in any other manner, such change shall automatically effect a corresponding change in the junior college district boundary, and any such change in junior college district boundaries shall be effective at the same time as the change in high school district boundaries is effective, except that if a new high school district is formed from territory entirely within an existing junior college district, the new high school district shall continue to be part of the junior college district.

The provisions of this section shall not apply to any junior college district to which the provisions of Article 3 (commencing with Section 25446) of Chapter 2 of Division 18.5 of this code are applicable.

SEC. 4. In enacting this act, the Legislature makes the following findings: (1) That the purpose of Division 5 (commencing with Section 1601) of Part 1 of the Education Code as enacted by Chapter 629 of the Statutes of 1963 is to promote the consolidation of community level services and facilities of governmental agencies, namely the unification of local school districts; (2) One of the purposes of Chapter 698 of the Statutes of 1965 and the general sections of Division 18.5 (commencing with Section 25410) of Part 4 of the Education Code is the consolidation of community level services and facilities of governmental agencies, namely the merger of junior college districts and the inclusion of all the territory of the state in one or more junior college districts; (3) Various provisions of each of these enactments require that the boundaries of junior college districts and unified or high school districts which may be formed under the provisions of the respective statutes shall be coterminous or consolidations of districts accomplished by annexation shall require adjustment of the boundaries of junior college districts; (4) The existence of these provisions has hindered the consolidation of community level services and facilities as contemplated by each of these enactments and, thus, retarded the accomplishment of some of the purposes of those statutes; (5) It is desirable to promote the consolidation of community level

services and facilities contemplated by these statutes and, therefore, the enactment of the provisions of this bill suspending the requirement that the boundaries of junior college districts and unified or high school districts which may be evolved under the enactments referred to herein must be coterminous.

SEC. 5. This act shall be operative with respect to any junior college district whose boundaries or territory is affected by any school district unification proposal pending before the State Board of Education on the effective date of this act or which has been approved by the State Board of Education prior to the effective date of this act, if the election to be held for the adoption or rejection of the proposal is held after the effective date of this act.

SEC 5 5. This act shall remain in effect only until December 31, 1967, after which it shall have no further force or effect.

SEC. 6. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are several proposals for school district unification which are presently before the State Board of Education for approval. If approved by the State Board of Education, these proposals will be submitted to the electorate of the territories involved for adoption or rejection. In order that a junior college district whose territory is included in any of these proposals may be benefited by the provisions of this act and so that the electorate may be fully informed as to the consequences of the proposed unification in order to achieve school district unification, it is necessary that this act go into immediate effect.

CHAPTER 96

An act to add Section 51521 to the Government Code, relating to taxes collected by a county, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 51521 is added to the Government Code, to read:

51521. When delinquent taxes of a general law city, with costs and penalties, have been paid to the county treasurer, or when property in the city has been sold for the nonpayment of such city taxes and redeemed and the money for the redemption paid to the county treasurer, the money collected, including, if authorized by the board of supervisors as a matter of

general county policy, the costs and penalties, shall be paid to the city treasurer, by warrants of the county auditor after deduction of the county's compensation.

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 law permits cities at their option to transfer assessment and tax collection functions to the county. This consolidates a local governmental function and service under one agency, resulting in a more economic and efficient service. A defect exists in the present law in that delinquent penalties collected on overdue taxes owing to general law cities when a county collects the taxes, are paid into the county's general fund, while under the same circumstances when a chartered city is involved, such penalties are paid to the city pursuant to Section 51554 of the Government Code. This inequity discourages further consolidation of tax assessing and collection functions. In order to remove this inequity and to promote, as soon as possible, the further consolidation of tax assessing and collecting functions, it is necessary that this act go into immediate effect.

SEC. 3. The provisions of Section 1 of this act shall become operative on July 1, 1966.

CHAPTER 97

An act to amend Sections 27126, 27130, 27131, 27133, 27133.5, 27145.5 and 27146 of, to repeal Section 27134, Article 7 (commencing with Section 27138) of Chapter 1.5 of Division 20 and Sections 27134, 27145 and 27147 of, and to add Sections 27111.5, 27128 and 27131.5 to, the Education Code, relating to public libraries.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 27111.5 is added to the Education Code, to read:

27111.5. It is the intent of the Legislature under this act to distribute grants for the development and improvement of public library service to library systems by a formula that recognizes factors of need, ability, and effort. Need is recognized by basing the distribution, in part, on the population served by library systems and by allowing a special weighting for low density of population. Ability is recognized by adjusting the population estimates by the relative standing of such systems with respect to assessed valuation per capita. Effort

is recognized by establishing as a qualification for receiving a grant a minimum level of local support, expressed either as a tax rate or as an amount of expenditure per capita, and by establishing minimum standards of service.

SEC. 1.5. Section 27126 of the Education Code is amended to read:

27126. The formation of a library system shall be accomplished in the following manner:

(a) An application for grants shall be submitted to the State Librarian, together with a plan of service approved by the participating public agency or agencies. The application for grants shall be accompanied by an official resolution passed by the city council in the case of a city, the county board of supervisors with respect to county libraries, or the governing board of a library district with respect to library district libraries. The system plan of service shall be incorporated by reference in the resolution. A plan of service shall, among other things, where a cooperative library system is involved, designate an executive committee for the system appointed by the governing bodies of the appropriate public agencies.

(b) The State Librarian shall submit each plan of service to the board.

(c) The board shall submit, in writing, to the State Librarian any recommendations on a plan of service within 30 days from the date the plan is so submitted to the board. Failure of the board to submit recommendations within 30 days shall be deemed to constitute a recommendation that the plan be approved as submitted.

(d) The State Librarian shall not approve an application until funds are available for the grants sought nor until at least 30 days have elapsed from the date that the plan of service for that application has been submitted to the board.

(e) If the State Librarian approves the plan of service and the application, the public agency or agencies shall execute a contract with the State Librarian specifying the services to be rendered in order to implement the plan of service. The contracts shall be subject to the limitations provided in Article 4 and shall contain the minimum provisions specified in Section 27132.

SEC. 2. Section 27128 is added to said code, to read:

27128. The State Librarian shall determine the final date each year for the submission of requests for grants, and any remaining funds which had been tentatively allocated for grants which subsequently did not qualify shall be distributed on a pro rata basis among those grants which did qualify.

SEC. 3. Section 27130 of said code is amended to read:

27130. There shall be a program of grants, as follows:

(a) Establishment grants.

(b) Annual per capita grants.

SEC. 4. Section 27131 of said code is amended to read:

27131. To qualify for grants under this chapter, a library system, once established, must:

(a) Provide equal access to all participating libraries to all residents of the area served by the system. Nothing in this chapter shall prevent the negotiation of agreements, or the exchange of funds, or the establishment of individual user charges designed to wholly or partially correct any imbalance of service caused by adherence to this subdivision; provided that over a period of not less than one year, the public agencies exchanging funds or the public agency imposing the user fee find that an imbalance of service exists.

(b) Provide for the annual addition of at least 4,000 new book titles to each library system which has a population of less than 75 persons per square mile, and the annual addition of 7,000 book titles to each library system which has a population of 75 or more persons per square mile.

(c) Have available in each system having a population of less than 75 persons per square mile at least 100,000 volumes, 40,000 of which have been acquired within 10 years, and in each system having a population of 75 or more persons per square mile at least 200,000 volumes, 60,000 of which have been acquired within 10 years.

(d) Have available in the system at least 7,500 reference book titles in its noncirculation collection.

(e) Have acquired in each system having a population of less than 75 persons per square mile subscriptions to at least 400 periodicals, including both juvenile and adult types, with one-half of such periodicals being on microform or in back files for the past 10 years, and in each system having a population of 75 or more persons per square mile subscriptions to at least 700 periodicals, including both juvenile and adult types, with three-quarters of such periodicals being on microform or in back files for the past 10 years.

(f) Have expended funds from local sources for total operating expenses, excluding capital expenditures, for each library within the system, in the fiscal year immediately preceding that in which application is made, and also have budgeted for the year in which application is made equivalent to the minimum specified in this subdivision. That minimum shall be either (1) the equivalent of a tax rate of fifteen cents ($0.15) on each one hundred dollars ($100) of the total assessed valuation of the area served by each library within the library system, as shown by the equalized assessment roll or rolls of such area for the preceding year, or (2) two dollars and fifty cents ($2.50) annually per capita in the area served by each library within the library system, whichever is less.

(g) Not expend less funds per capita from local sources for operating expenditures than it did in the preceding year.

(h) Carry out the provisions of the contracts entered into with the State Librarian designed to implement the plan of service.

SEC. 5. Section 27131.5 is added to said code, to read:

27131.5. The financial qualifications required for grants by Section 27131(f) shall be reviewed by the Legislature at its 1969 Regular Session.

SEC. 6. Section 27133 of said code is amended to read:

27133. (a) It is the intention of the Legislature that the total amount which may be appropriated, for expenditure during any fiscal year, under this chapter shall not exceed the percentage limitations provided for in Section 27133.5 of the total operating expenditure of all the public libraries of the state from funds received from local sources for the preceding fiscal year.

(b) An establishment grant for a system shall not exceed 25 percent of the total operating expenditures for the library or each of the libraries within that system, excluding capital expenditures, for the last completed fiscal year, except where there were no expenditures for the library for the last completed fiscal year, in which case the establishment grant for the system shall be the maximum provided for in Section 27144.

SEC. 7. Section 27133.5 of said code is amended to read:

27133.5. The percentage limitation for the indicated fiscal years shall be as follows: 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. 8. Section 27134 of said code is repealed.

SEC. 9. Article 7 (commencing with Section 27138) of Chapter 1.5 of Division 20 of said code is repealed.

SEC. 10. Section 27145 of said code is repealed.

SEC. 11. Section 27145.5 of said code is amended to read:

27145.5. From funds appropriated by the Legislature under this chapter, requirements for establishment grants shall have priority as determined by the State Librarian. From funds remaining after allocations for establishment grants, annual per capita grants shall be made for each library system which is formed following the procedure outlined in Article 5 and which meets the minimum standards specified in Article 6 as follows:

(a) Determine the assessed value of properties subject to taxation for library support in each single library area;

(b) Adjust the values determined by paragraph (a) by applying to them the factor provided for in Sections 17261 and 17262 of this code appropriate to the county wherein the values lie, but in no event shall any of the other provisions of those sections be applicable;

(c) Determine the sum of the populations taxed for library support of all single libraries in the state and, similarly, determine the sum of the assessed valuations computed in paragraph (b);

(d) Divide the total valuation assessed for library support in the state by the population of the state taxed for libraries; this will determine the assessed valuation per capita;

(e) For each single library divide adjusted assessed valuation of each library's area by its population to determine each single library's assessed valuation per capita;

(f) For each single library, divide the adjusted statewide assessed valuation per capita in the state by the adjusted assessed valuation per capita in the library area;

(g) Multiply the population in each library area by the figure of each such library as determined in accordance with paragraph (f); these figures shall be designated as basic weighted population values; and shall be the basis of determining the basic per capita grants;

(h) Multiply the basic weighted population of each of the library areas by a factor of 0.3 (or 30 percent) as to all library areas wherein the population per square mile is 100 or less; the resulting values shall be designated as supplementary weighted population values, and shall be the basis of determining supplementary project grants for such sparsely populated library areas;

(i) Determine the sum of the basic and supplementary weighted population for the entire state;

(j) Divide the amount available for distribution to the libraries by the total weighted population, basic and supplementary, of the state, in one-thousandths; the resulting amount may be apportioned on account of each one-thousandth of weighted population, basic and supplementary, in any single library;

(k) With regard to basic weighted populations, any qualifying library system is eligible to receive funds as determined in accordance with paragraph (j);

(*l*) With regard to supplementary weighted populations, any library system which has single-library populations of 100 or less per square mile may apply for project grants, but only up to a total amount equal to the sum of all of the supplementary weighted population in one-thousandths contained within the system multiplied by the figure determined in paragraph (j); those sums would be available as project grants for the purpose of extending and improving library services in such sparsely populated areas.

Money not distributed under initial allocations may be reapportioned to library systems on the basis of the shares that each system's basic weighted populations represent in relation to the basic weighted population of all the library systems receiving grants.

SEC. 11.5. 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 four 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. 12. Section 27147 of said code is repealed.

CHAPTER 98

An act to amend Sections 8955.2 and 8955.3 of the Education Code, relating to identification and education of physically handicapped minors, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 8955.2 of the Education Code is amended to read:

8955.2. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the identification and education of physically handicapped minors who come within the provisions of Section 6801 or 6802 and for the rental of property and the purchase of equipment by the county superintendent of schools for the schools or classes for such minors.

The amount shall be determined by subtracting from the total cost of the education of such minors, including transportation, to the county superintendent of schools the total amounts to be apportioned by the Superintendent of Public Instruction to the county school service fund for the education of such physically handicapped minors and by adding to the result the amount required for rental of property, the purchase of equipment, and capital outlay.

The board of supervisors shall, at the time of levying other county taxes, levy a tax in each school district for whom the county superintendent of schools maintains schools or classes pursuant to Sections 8901 to 8903, inclusive, for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 upon the taxable property in such district sufficient to produce such amounts. The amount received from this tax shall be deposited in the county school service fund.

The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

The Superintendent of Public Instruction shall adopt such rules and regulations as he may deem necessary to the implementation of this section.

SEC. 2. Section 8955.3 of the Education Code is amended to read:

8955.3. (a) The Superintendent of Public Instruction shall reduce the allowances to county school service funds to be made in a fiscal year under Section 18355 by an amount determined by: (1) multiplying sixty cents ($0.60) by each one hundred dollars ($100) of the total assessed valuation of all the elementary or unified school districts for whom the county superintendent of schools maintains schools or classes in grades kindergarten through eight, inclusive, pursuant to Section 8901; (2) dividing the product so derived by the total average daily attendance of pupils included in the foundation program computed for the districts for pupils in grades kindergarten through eight, inclusive, in the elementary or unified school districts for whom the county superintendent of schools maintains schools or classes in grades kindergarten through eight, inclusive, pursuant to Section 8901; and (3) multiplying the quotient so derived by the average daily attendance of pupils attending the special schools or classes maintained by the county superintendent of schools in grades kindergarten through eight, inclusive, pursuant to Section 8901.

(b) The Superintendent of Public Instruction shall reduce the allowances to county school service funds to be made in a fiscal year under Section 18358 by an amount determined by: (1) multiplying fifty cents ($0.50) by each one hundred dollars ($100) of the total assessed valuation of all the high school or unified school districts for whom the county superintendent of schools maintains schools or classes in grades 9 through 12, inclusive, pursuant to Section 8901; (2) dividing the product so derived by the total average daily attendance of pupils included in the foundation program computed for the districts for pupils in grades 9 through 12, inclusive, in the high school or unified school districts for whom the county superintendent of schools maintains schools or classes in grades 9 through 12, inclusive, pursuant to Section 8901; and (3) multiplying the quotient so derived by the average daily attendance of pupils attending the special schools or classes maintained by the county superintendent of schools in grades 9 through 12, inclusive, pursuant to Section 8901.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act changes provisions relating to taxes, and allowances from the county school service fund, for the support of the county superintendent of schools for educating physically handicapped minors. In order that counties may take advantage of this act for the 1966–1967 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 99

An act to amend Section 23805 of the Education Code, relating to student body centers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Section 23805 of the Education Code is amended to read:

23805. Upon the favorable vote of two-thirds of the students voting in an election held for the purpose at a state college, in such manner as the trustees shall prescribe, and open to all regular students enrolled in such college, the trustees are authorized to fix, in addition to any other student fee the trustees are authorized to fix, a building and operating fee not to exceed twenty dollars ($20) per student annually which shall be required of all students attending the college. All money collected by a state college on behalf of a student body organization under this section shall be available for financing, operating and constructing the student body center, and until so used, shall, subject to the approval of the trustees, be deposited or invested in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation; provided, that any money so deposited shall be in an account or accounts fully covered by such insurance.

(b) Investment certificates or withdrawable shares in state chartered savings and loan associations and savings accounts of federal savings and loan associations; provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation; and provided further that any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by such insurance.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code.

SEC. 2. It is the intention of the Legislature by this act to simplify the procedures for utilization of student body center fees, and to authorize the investment thereof. All student body center fees authorized by the trustees prior to the effective date of this act and pursuant to Sections 23804 and 23805 of the Education Code as added by Chapter 1750 of the Statutes of 1961, are hereby confirmed, and the proceeds thereof may be invested and used as provided in this act.

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

Since the effective date of Chapter 1750 of the Statutes of 1961, student body center fees have been authorized at 12 state colleges. Nearly $100,000 has been collected already. Typically, considerable periods of time will elapse before sufficient funds have been accumulated and revenue bond commitments obtained, to warrant their expenditure. In the interim, such funds should be deposited or invested at interest, subject to the same limitations and safeguards as are now provided for student body organization membership fees. If this act is not effective immediately, almost an entire calendar quarter of such interest authorization will be forever lost, and the ultimate construction of student body centers correspondingly delayed.

CHAPTER 100

An act to amend Sections 73781, 73782 and 73783 of, to add Article 12.7 (commencing with Section 70130) to Chapter 5 of Title 8 and Sections 73781.6 and 73781.7 to, and to repeal Section 70045.3 of, the Government Code, relating to court reporters.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 20, 1966.]

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

SECTION 1. Article 12.7 (commencing with Section 70130) is added to Chapter 5 of Title 8 of the Government Code, to read:

Article 12.7 Official Reporters in Counties with a Population of 140,000 to 147,000

70130. (a) In a county with a population of over 140,000 and not over 147,000 as determined by the 1960 Federal Decennial Census, within which there is located a facility of the Department of Corrections of the State of California, the annual salary of each full-time official reporter shall notwithstanding any other provision of law be twelve thousand dol-

lars ($12,000), and no more, and the compensation of each official reporter pro tempore shall be thirty-five dollars ($35) a day for each day he is actually on duty under order of the court. Any official reporter who, immediately prior to the effective date of this subdivision, was paid at the per diem rate of thirty-five dollars ($35) for reporting contested matters and seven dollars ($7) for reporting each default or uncontested proceeding, not exceeding five such proceedings, may elect to continue to receive such compensation in lieu of the annual salary provided by this subdivision.

(b) In addition to the compensation provided in this article, each full-time reporter of the superior court shall be entitled to, and shall receive, the same vacations, sick leave, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors of said county.

70130.5 No further fee, charge or salary other than the salary or compensation provided by Section 70130 shall be collected from, or assessed against, any party to any proceeding for the services of an official reporter in taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court; but an official reporter shall be allowed, and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcription shall be paid as provided by Sections 69947 to 69953, inclusive, and by any other law of this state pertinent to the case.

70131. In criminal cases in which the court specifically so directs, the fee 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 the court orders a daily transcript, necessitating the services of two official 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.

70131.5. Fees for transcription of testimony and proceedings in the court shall be paid by the litigants to full-time official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

70132. The official reporters of the court, if otherwise eligible, shall be members of any retirement system maintained by the county that includes attachés of the court. For the purposes of such retirement system, the salary or compensation provided for reporters in this article shall be deemed their entire compensation, except that where credit is claimed for service rendered prior to the establishment of such salary or compensation, the actual compensation paid to them by the county shall be the basis for contributions for such prior service, and continuous employment of the court, prior to membership in such retirement system, shall be considered as "prior service" therein upon the payment by the reporters of the sums due, if any, under the retirement system

70132.5. (a) The official reporter shall perform the duties required of him by law. When not actually engaged in the performance of any other duty imposed on him by law, he shall render stenographic or clerical assistance, or both, to the judge or judges of the department to which he is assigned as such judge or judges may direct. This subdivision shall not apply to reporters who elect to be paid on a per diem and fee basis.

(b) The official reporter in each department shall be selected by, and serve solely and directly under the authority and control of, the judge thereof, and shall not be subject to the authority of any county administrative office or personnel commission.

70133. Nothing in any county ordinance or in any state law disqualifying employees at any age from further employment, shall affect any reporter employed on the effective date of this article, or for a period of 10 years thereafter.

70134. The official reporters of the court, in addition to membership in any appropriate county retirement system, unless otherwise specified in this article, shall be bound by the same restrictions applicable to other county employees. Such reporters shall not use county equipment or county premises or county working hours for the purpose of doing work not in the service of the county or the court.

70135. In order to help defray the costs of reporting services, in addition to fees required by other laws for the filing of the first paper in a civil action or special proceeding, there shall be an additional charge of nine dollars and fifty cents ($9.50).

SEC. 2. Section 70045.3 of the Government Code is repealed.

SEC. 3. Section 73781 of the Government Code is amended to read:

73781. (a) Full-time official reporters appointed by the majority of the judges of the municipal court pursuant to the provisions of Section 72194 and so designated, shall be attachés of the court and shall receive an annual salary of twelve thousand dollars ($12,000), and no more, for services as such official reporters and for part-time secretarial services for the judges of the court. Said salary shall be payable in

equal monthly installments and shall be a charge against the general fund of the county.

(b) The judges of the court may appoint as many part-time additional reporters as the business of the court requires. The additional reporters shall be known as official reporters pro tempore, and they shall serve without salary but shall receive, for reporting, fees at a per diem rate as fixed by Sections 69948 and 69949 or as fixed by any special act governing the compensation of official superior court reporters in the County of Marin, whichever is the greater. In criminal cases such fees upon order of the court shall be a charge against the general fund of the county.

SEC. 4. Section 73781.6 is added to the Government Code, to read:

73781.6. The official reporters of the court shall not use county equipment or county premises or county working hours for the purpose of doing work not in the service of the county, or the court.

SEC. 5. Section 73781.7 is added to the Government Code, to read:

73781.7. In order to help defray the costs of reporting services, in addition to fees required by other laws for the filing of the first paper in a civil action, there shall be an additional charge of five dollars and fifty cents ($5.50).

SEC. 6. Section 73782 of the Government Code is amended to read:

73782. Except as otherwise provided by this article, fees for transcribing of testimony and proceedings in the court shall be paid by the litigants to official reporters and official reporters pro tempore and shall be retained by such reporters as their compensation for such services. In all cases where by law the court may direct the payment of transcription fees out of the county treasury and where such payment would not be in conflict with any provision in this article, such fees shall, upon order of the court, be paid from the general fund, including fees for transcribing of testimony and proceedings in criminal cases as provided in Sections 69948 to 69953, inclusive, which shall be paid from the county treasury.

SEC. 7. Section 73783 of the Government Code is amended to read:

73783. In addition to the compensation provided in this article, the clerk, deputy clerks and other attachés of the municipal court shall receive, and they shall be entitled to, the same vacations, sick leaves, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county and including all rights afforded county employees by the Marin County Merit System Ordinance. Such clerks, deputy clerks and other attachés shall be bound by the same or similar restrictions as are applicable to other employees of the County of Marin.

CHAPTER 101

An act to amend Section 16645.2 of the Education Code, relating to centers for physically handicapped and mentally retarded children.

[Approved by Governor May 19, 1966. Filed with Secretary of State May 23, 1966]

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

SECTION 1. Section 16645.2 of the Education Code is amended to read:

16645.2. The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for physically handicapped and mentally retarded minors between 3 years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

Nothing in this section shall be construed as vesting in the county superintendent of schools any authority to alone effect the levy and collection of any county, school, or other local taxes for the support of any such development center for physically handicapped and mentally retarded minors.

The establishment and maintenance of any development center for physically handicapped and mentally retarded minors by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district. Not more than 16 centers shall be established pursuant to this section.

CHAPTER 102

An act to amend Sections 90050, 90070, 90072, 90073, 90074, 90076, 90078, 90100, 90170, 90500, 90611, 90810.5, and 90972.5 of, to add Section 90025 and Chapter 11 (commencing with Section 93000) to Part 8, Division 10 of, and to repeal Section 90077 of, the Public Utilities Code, relating to the San Diego County Transit District.

[Approved by Governor May 23, 1966. Filed with Secretary of State May 23, 1966.]

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

SECTION 1. Section 90025 is added to the Public Utilities Code, to read:

90025. The district is hereby designated a rapid transit district and the transit facilities and services the district is authorized to acquire, own, operate, control, or use are designated a rapid transit system, for the purposes of Part 15 (commencing with Section 35001) and Part 16 (commencing with Section 36000) of Division 2 of the Revenue and Taxation Code.

SEC. 1.5. Section 90050 of the Public Utilities Code is amended to read:

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 two sections comprising (1) the City of San Diego and (2) the Cities of Coronado, Imperial Beach, Chula Vista, National City, 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.

SEC. 2. Section 90070 of said code is amended to read:

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:

(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.

SEC. 3. Section 90072 of said code is amended to read:

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 77 days nor more than 91 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.

SEC. 4. Section 90073 of said code is amended to read:

90073. At any time within 30 days following the receipt by the board of supervisors of petitions or resolutions, or both, requiring the calling of an election pursuant to Section 90070, the board of supervisors may adopt a resolution of intention to include within the proposed San Diego County Transit District any unincorporated territory eligible for inclusion in the district as provided in Section 90050, and shall adopt such resolution of intention as to any such unincorporated territory upon receipt within such 30-day period of a petition signed by a number of signers equal to at least 5 percent of the voters registered for the last general election within any such territory requesting its inclusion in the proposed district and describing its boundaries. The board of supervisors by its resolution and registered voters by their petitions may propose the inclusion of such unincorporated territory in separate areas which are not themselves contiguous to each other. The board of supervisors shall, upon its adoption, refer such resolution of intention to the San Diego County Local Agency Formation

Commission, which shall report to the board of supervisors within 30 days following receipt of the referral.

SEC. 5. Section 90074 of said code is amended to read:

90074. At the hearing, the board of supervisors shall have the power to exclude any unincorporated territory which, in its determination, would not receive reasonable benefit from inclusion in the district. Any landowner within any unincorporated territory proposed for inclusion may by written application request that the board of supervisors consider the exclusion of his property as described in his application from the proposed district. At the conclusion of the hearing the board of supervisors shall determine the boundaries of any unincorporated territory to be included within the proposed district and shall adopt its order calling the election on the question of the forming of the proposed district, which election shall be consolidated with the next succeeding primary or general election occurring not sooner than 75 days following the conclusion of the hearing.

SEC. 6. Section 90076 of said code is amended to read:

90076. The count of the votes of the election shall be conducted in two parts (see Section 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, National City, El Cajon, and La Mesa and outside territory included by the county board of supervisors, if any, at the time of election.

SEC. 7. Section 90077 of said code is repealed.

SEC. 8. Section 90078 of said code is amended to read:

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 the other section specified in Section 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 and enter its order declaring the district duly formed and existing in the county.

SEC. 9. Section 90100 of said code is amended to read:

90100. If a majority of the electors voting on the proposition in the City of San Diego and a majority of the electors in the other section specified in Section 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 the City of San Diego and the other section specified in Section 90050.

SEC. 10. Section 90170 of said code is amended to read:

90170. The government of the district shall be vested in a board of directors elected concurrent with the district's formation. If no unincorporated area of the county is included within the district, the City of San Diego shall elect seven directors at large. If any unincorporated area of the county

is included within the district, the City of San Diego shall elect eight directors at large. Each of the incorporated cities within the remaining section as specified in Section 90050 and the unincorporated area of the county, if any, shall elect one director. In the event of a tie, the directors involved shall determine by lot which shall be seated.

Whenever any additional member is elected to the board of directors as a result of any annexation to the district, the City of San Diego shall be entitled to seat an additional member on the board of directors. The City Council of the City of San Diego shall appoint any initial additional member to which the city becomes entitled and such member shall serve until a successor is elected at the next succeeding election of directors within the City of San Diego and qualifies.

SEC. 11. Section 90500 of said code is amended to read:

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 60 percent 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.

SEC. 12. Section 90611 of said code is amended to read:

90611. The votes of 60 percent of all the voters voting on the proposition at the election are required to authorize the issuance of general obligation bonds under this chapter.

SEC. 13. Section 90810.5 of said code is amended to read:

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. The initial member elected to represent the city on the board of directors shall serve until a successor is elected at the next succeeding election of directors within the city and qualifies.

SEC. 14. Section 90972.5 of said code is amended to read:

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. The initial member elected to represent the unincorporated territory on the board of directors shall serve until a successor is elected at the next succeeding election of directors within the unincorporated territory and qualifies.

SEC. 15. Chapter 11 (commencing with Section 93000) is added to Part 8, Division 10 of said code, to read:

CHAPTER 11. CONSOLIDATION WITH OTHER DISTRICTS

93000. 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.

93001. 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.

93002. 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.

93003. 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.

93004. 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.

93005. 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.

93006. 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.

93007. 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.

93008. At any time after the board of directors of the district has finally approved the agreement the Board of Supervisors of San Diego County shall cause an election to be held in the district to determine whether the San Diego

County Transit District will be consolidated with the Southern California Rapid Transit District upon the terms and conditions stated in the agreement.

93009. 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 San Diego 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.

93010 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 San Diego 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 San Diego County?	YES	
	NO	

93011. 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.

93012. If the proposition fails to carry, the result shall be entered upon the minutes of the Board of Supervisors of San Diego County.

93013 If the proposition receives the vote of the requisite majority of voters, the Board of Supervisors of San Diego 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

93014. Upon receipt by the Southern California Rapid Transit District of a copy of the consolidation agreement properly executed by the district and San Diego County the board of directors of the Southern California Rapid Transit District shall pass a resolution declaring the San Diego 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 San Diego County Transit District with the Southern California Rapid Transit District is complete.

93015. 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 San Diego 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.

93016. 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.

93017. Upon the completion of such consolidation procedure, the San Diego 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 San Diego.

CHAPTER 103

An act to amend Section 5954 of the Education Code, relating to consolidating the teaching hours of continuation education and adult classes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1966. Filed with Secretary of State May 23, 1966.]

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

SECTION 1. Section 5954 of the Education Code is amended to read:

5954. (a) Except as otherwise provided in subdivision (b), such classes shall be maintained between the hours of 8 a.m. and 5 p m.

(b) If the school district maintains classes for adults, the governing board of the school district may maintain continuation education classes during such hours and for such length of time during the day or evening as the classes for adults are maintained.

SEC. 2. The Legislature hereby finds and declares that its purpose in enacting this act is to consolidate the hours and times of day for the maintenance of continuation education and adult classes so that school districts may utilize teachers who are presently teaching adult education classes for the teaching of continuation education classes, and thus avoid and minimize the duplication of school district education programs.

SEC. 2.5. Subdivision (b) of Section 5954 of the Education Code as amended by Section 1 of this act shall be opera-

tive until July 1, 1967, after which it shall have no force or effect.

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

There are several small school districts which are unable to provide continuation education classes during daytime hours because of a shortage of teachers. In order that these school districts may, for the remainder of fiscal year 1965–1966, provide continuation education classes during evening hours by the utilization of teachers of adult education classes, and thereby assure educational programs for all of the students of the district, it is necessary that this act go into immediate effect.

CHAPTER 104

An act to add Chapter 28 (commencing with Section 5896.1) to Part 3, Division 7, and Section 10102.1 to, and to amend Sections 5132 and 10200 of, the Streets and Highways Code, relating to special assessments.

[Approved by Governor May 24, 1966. Filed with Secretary of State May 24, 1966.]

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

SECTION 1. Chapter 28 (commencing with Section 5896.1) is added to Part 3, Division 7 of the Streets and Highways Code, to read:

CHAPTER 28. CONVERSION OF EXISTING OVERHEAD ELECTRIC AND COMMUNICATION FACILITIES TO UNDERGROUND LOCATIONS

5896 1. The Legislature finds that in many areas of the state landowners, cities, public agencies and public utilities desire to convert existing overhead electric and communication facilities to underground locations by means of special assessment proceedings. The Legislature hereby declares that a public purpose will be served by providing a procedure to accomplish such conversion and that it is in the public interest to provide for such conversion by proceedings taken pursuant to this division.

5896.2. As used in this chapter the following words and phrases (and any variants thereof) shall mean:

"Communication service" means the transmission of intelligence by electrical means, including, but not limited to, telephone, telegraph, messenger-call, clock, police, fire alarm and traffic control circuits and circuits for the transmission of standard television or radio signals.

"Convert" or "conversion" means the removal of all or any part of any existing overhead electric or communication facilities and the replacement thereof with underground electric or communication facilities constructed at the same or different locations.

"Electric service" means the distribution of electricity for heat, light or power.

"Electric or communication facilities" means any works or improvements used or useful in providing electric or communication service, including, but not limited to, poles, supports, tunnels, manholes, vaults, conduits, pipes, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, capacitors, meters, communication circuits, appliances, attachments and appurtenances, other than those owned or used by, or provided for, any railroad or pipeline, and located upon or above the right-of-way of such railroad or pipeline. "Electric facilities" shall not include any facilities used or intended to be used for the transmission of electric energy at nominal voltages in excess of 35,000 volts.

"Overhead electric or communication facilities" means electric or communication facilities located, in whole or in part, above the surface of the ground.

"Underground electric or communication facilities" means electric or communication facilities located, in whole or in part, beneath the surface of the ground.

"Public agency" means any city, county, special district or public corporation (other than the one conducting the proceedings) that provides electric or communication service to the public by means of electric or communication facilities.

"Public utility" means any person or corporation that provides electric or communication service to the public by means of electric or communication facilities.

5896.3. In addition to proceedings for types of work or improvement authorized elsewhere in this division, proceedings may be taken for the conversion of existing electric or communication facilities and the construction, reconstruction or relocation of any other electric or communications facilities which may be incidental thereto.

5896.4. Except as otherwise expressly provided by this chapter, a proceeding for a conversion shall be conducted and completed in accordance with the procedure specified elsewhere in this division. All of the provisions of this division shall be applicable to a proceeding for a conversion. This chapter does not affect any other law relating to the same or any similar subject, but provides an alternative authority and procedure for the subject to which it relates. When proceeding under this chapter its provisions only need be followed.

5896.5. Proceedings for a conversion shall be initiated by petition. A petition shall: (a) describe the proposed assessment district, as provided in Section 5181; (b) generally describe the proposed conversion; and (c) request that proceedings for such conversion be taken pursuant to this division.

5896.6. A petition for proceedings for conversion shall be signed by not less than 20 owners of assessable land in the proposed assessment district, as shown by the last equalized assessment roll used by the city, owning lands constituting more than one-half of the area of all assessable lands within the proposed assessment district

5896 7. The petition shall be filed with the clerk, who shall thereupon check or cause said petition to be checked. If the petition is signed by the requisite number of qualified signers, the clerk shall execute a certificate of sufficiency and present said petition and certificate to the legislative body.

5896.8. Upon presentation of the petition and certificate of sufficiency, the legislative body may adopt a resolution declaring its intention to order the conversion described in said petition.

5896.9. In a proceeding for a conversion the city and any public utility or public agency supplying electric or communication service within said city may by agreement provide that, upon confirmation of the assessment, said public utility or public agency shall have legal title to the electric or communication facilities, which shall thereafter constitute part of a system of the public utility or public agency and be used, operated, maintained and managed by it as part of such system.

Subject to any rules, regulations or tariffs applicable to any such public utility or public agency, such agreement may also provide, among other things, for any of the following: the supplying or approval by the public utility or public agency of plans and specifications; a contribution of labor, materials or money by the public utility or public agency; the performance by the public utility or public agency of all or any part of the work or improvement; payment to said public utility or public agency for any work or improvement performed or service rendered by it.

Any such agreement shall be made prior to the adoption of the resolution ordering the work. If the proceedings are abandoned, the agreement shall be given no further force or effect. To the extent that the agreement provides that all or any part of the work or improvement is to be performed by the public utility or public agency, the provisions of this division requiring competitive bidding and the award of the contract to the lowest responsible bidder shall be inapplicable.

Nothing contained in this chapter shall preclude the city or the public utility, in the event of disagreement regarding any provision of the proposed agreement, from seeking review of such disagreement by the California Public Utilities Commission.

5896 10. If the work or improvement consists solely of a conversion, and such work or improvement is performed by a public utility or public agency, the resolution of intention shall provide that (a) the warrant, assessment and diagram or (b) any bonds issued or to be issued to represent unpaid assess-

ments, or both (a) and (b), shall be sold as the legislative body directs. The purchaser, and any successors, shall thereupon have the same rights and liens as the contractor to collect and enforce the assessments and all bonds issued to represent unpaid assessments. If the work and improvement consists, in part, of a conversion and, in part, of other types of work or improvement under this division, the legislative body may provide in the resolution of intention that the costs and expenses of conversion shall constitute part of the incidental expenses to be advanced to the city by the contractor and to be included in the assessment. Any payments made upon assessments, any proceeds from the sale of the warrant, assessment and diagram or bonds and any incidental expenses so advanced to the city may be used by the city for the purpose of making payments to a public utility or public agency pursuant to an agreement made under Section 5896.9.

5896.11. If the city furnishes electric or communication service by means of electric or communication facilities owned or operated by the city, the legislative body in the resolution ordering work may provide that the work or improvement of conversion shall be performed for the price or prices specified in said resolution by the city or any department, agency, commission or officer of the city having the duty of furnishing such service. To that extent, the provisions of this division requiring competitive bidding and the award of the contract to the lowest responsible bidder shall be inapplicable.

5896.12. Nothing in this chapter shall be deemed to relieve any city or public agency, if the work or improvement is to be performed by the city or public agency, from any competitive bidding requirements imposed, as to work performed by the city or public agency, by any charter or statutory provision applicable to it.

5896.13. If the work or improvement consists solely of conversion of electric or communication facilities owned or operated by the city and the legislative body has provided that such work or improvement shall be performed by the city or any department, agency, commission or officer of the city, the warrant, assessment and diagram and all bonds issued to represent unpaid assessments shall be delivered to the city and the city shall thereupon have the same rights and liens as the contractor to collect and enforce the payment of the assessments and all bonds issued to represent unpaid assessments In such event, (a) such warrant, assessment and diagram or (b) any bonds issued or to be issued to represent unpaid assessment, or both (a) and (b), may be sold as the legislative body directs and the purchaser, and any successors, shall thereupon succeed to all of the rights and liens of the city

If the work and improvement consists, in part, of a conversion and, in part, of other types of work or improvement, the legislative body may provide in the resolution of intention that the costs and expenses of conversion shall constitute part of the incidental expenses to be advanced to the city by the con-

tractor and to be included in the assessment. Any incidental expenses so advanced to the city may be retained by the city for the purpose of paying or reimbursing the city for the cost of such conversion.

5896.14. Subject to applicable rules, regulations, tariffs or ordinances, all electric or communication facilities located upon any lot or parcel of land within the assessment district shall be constructed, reconstructed, relocated or converted by the owner of such lot or parcel at his own expense. Such work may be done by the contractor, or the public utility, public agency or city performing the conversion work, and the cost thereof included in the assessment to be levied upon such lot or parcel provided, that the owner shall execute a written request therefor and file the same with the clerk Any such request shall expressly authorize the contractor, public utility, public agency or city, and their respective officers, agents and employees to enter upon such lot or parcel for such purpose and shall waive any right of protest or objection in respect of the doing of such work and the inclusion of the cost thereof in said assessment.

The provisions of this chapter shall not be deemed to diminish any right of an owner of a lot or parcel of land to contract any portion of work on his premises.

5896.15. Any written request executed pursuant to Section 5896.14 shall be filed with the clerk not later than the date fixed for commencement of construction of the conversion. A written request executed after such date shall not be accepted for filing by the clerk unless it shall contain the written approval of the contractor, public utility, public agency or city which is authorized to perform such work or improvement.

5896 16. The clerk shall mail a notice to each owner of a lot or parcel of land within the assessment district advising him of the provisions of Sections 5896.14 and 5896.15 and stating that unless such owner complies with the requirements of such sections all buildings, structures and improvements located upon the lot or parcel will be subject to disconnection from the electric or communication facilities providing service thereto. Such notice shall be mailed at least 15 days prior to the date of commencement of construction and shall be mailed to the owners whose names and addresses appear on the last equalized assessment roll used by the city or as known to the clerk.

5896 17. If the owner of any lot or parcel of land shall fail to comply with the requirements of Sections 5896.14 and 5896 15, the city may order the disconnection and removal of all overhead electric or communication facilities providing service to any building, structure or improvement located upon such lot or parcel. Written notice of proposed disconnection shall be given at least five days prior to disconnection by leaving a copy of such notice at the principal building, structure or improvement located upon such lot or parcel.

SEC. 2. Section 10102.1 is added to said code, to read:

10102 1. The provisions of the Improvement Act of 1911 relating to conversion of existing overhead electric and communication facilities to underground locations, as set forth in Chapter 28 (commencing with Section 5896.1) of Part 3, Division 7 of this code, excepting Sections 5896.10, 5896.13 and 5896 15, are incorporated in this division as if fully set out herein. References in said Chapter 28 to "this division" shall be deemed to refer to Division 12. The contractor, public utility, public agency or city performing the work of conversion shall be paid therefor from the improvement fund. The agreement provided for by Section 5896 9 shall be made prior to the adoption of the resolution ordering the work Any written request executed pursuant to Section 5896 14 shall be filed with the clerk not later than the time set for hearing on the report, provided, that the legislative body may authorize such request to be filed at any time not later than the confirmation of the assessment.

SEC. 3. Section 5132 of the Streets and Highways Code is amended to read:

5132. The resolution of intention shall be sufficient if it states in general terms the class or kinds of work contemplated, such as grading, paving, sewering and other work, and gives in general the location of the proposed work and refers to plans, profiles, detailed drawings and specifications or such of them as may be suitable or proper for the full and detailed description of the proposed work, and if it refers to any agreement entered into pursuant to Section 5103. The resolution of intention shall contain also a notice of the day, hour and place when and where any and all persons having any objections to the proposed work or work and acquisition may appear before the legislative body and show cause why the proposed work or work and acquisition should not be carried out in accordance with the resolution of intention; said notice shall be omitted if the hearing of objections is not required as provided hereunder. The hearing of objections shall not be less than 15 nor more than 60 days from the date of the passage of the resolution.

The hearing of objections shall not be required if the legislative body, when considering passage of the resolution of intention, finds and determines by a four-fifth's vote of all members thereof, that all of the owners of lots or lands liable to be assessed, or their agents (who shall make oath that they are such agents), have signed and filed a petition waiving said hearing, with the clerk, on or before the fifth day prior to the day that the resolution of intention is to be considered for passage, declaring that they do not have any objections to the proposed work or work and acquisition, the extent of the district to be assessed, or any agreement entered into pursuant to Section 5103 or any other objections, and requesting that the hearing of objections shall not be required.

The intention of the legislative body to enter into an agreement with any other public agency, or public utility, pursuant to the provisions of Chapter 5 (commencing with Section 5170) or Chapter 28 (commencing with Section 5896.1) of this part, shall be briefly stated in the resolution of intention

SEC. 4 Section 10200 of the Streets and Highways Code is amended to read:

10200. Before ordering any improvement which is authorized by this division to be made, the legislative body shall adopt a resolution declaring its intention to do so, briefly describing the proposed improvement, specifying the exterior boundaries of the assessment district, providing for the issuance of improvement bonds, if any bonds are to be issued, pursuant to Chapter 7 (commencing with Section 10600), and providing for the disposal of any surplus remaining in the improvement fund after the completion of the improvement, as authorized in Section 10427 The resolution of intention shall also contain a brief statement of the intention of the legislative body to enter into an agreement with any other public agency, or public utility, under the provisions of Chapter 2 (commencing with Section 10100).

CHAPTER 105

An act relative to the 1966 general election ballot and ballot pamphlets.

[Approved by Governor May 25, 1966 Filed with Secretary of State May 25, 1966]

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

SECTION 1. Notwithstanding the provisions of Section 10212 of the Elections Code, Assembly Constitutional Amendment No. 13 of the 1966 First Extraordinary Session of the Legislature, if adopted by the Legislature for submission to the people, shall appear first, numbered 1-a, on the ballot and in the ballot pamphlets of the 1966 general election.

CHAPTER 106

An act to add Article 4 (commencing with Section 6481) and Article 5 (commencing with Section 6490) to Chapter 6.5 of Division 6 of, and to add Article 4 (commencing with Section 19691) and Article 5 (commencing with Section 19699) to Chapter 10 of Division 14 of, the Education Code, relating to special educational programs, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1966. Filed with Secretary of State May 25, 1966.]

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

SECTION 1. Article 4 (commencing with Section 6481) is added to Chapter 6.5 of Division 6 of the Education Code, to read:

Article 4. Special Teacher Employment Programs

6481. From moneys specially appropriated therefor by the Legislature, grants shall be made to school districts pursuant to this article for projects approved by the Director of Compensatory Education involving a particular school or schools to be expended for the employment of teachers in grades kindergarten or one through six and any needed materials and supplies to the end that the number of pupils in these grades in relation to each full-time equivalent classroom teacher in the particular school will be reduced to a ratio of 25 to 1.

For purposes of this article a full-time equivalent classroom teacher is a person employed in a position requiring certification qualifications and whose duties require him to teach pupils in regular day classes for the full-time for which he is employed during the regular school day. In computing the total number of full-time equivalent classroom teachers, there shall be included, in addition to the employees defined in the preceding sentence, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in regular day classes during the regular school day.

6481.5. It is the intent and purpose of the Legislature that the money appropriated for the purposes of this article be expended primarily for the employment of teachers to the end that the number of pupils in the designated grades in relation to each full-time equivalent classroom teacher be reduced to a ratio of 25 to 1 The Director of Compensatory Education shall consider this intent in approving projects submitted pursuant to this article. In the event an applicant district is unable to employ the number of teachers necessary to effect the purposes of this article, the Director of Compensatory Education, notwithstanding the provisions of Section 6481, is authorized to

approve projects that provide for the employment of noncertificated teachers' aides for grades kindergarten or one through six, inclusive, to the end that the number of pupils in those grades in relation to the number of both classroom teachers and teachers' aides employed for such grades shall not exceed 20 to 1. Not more than 25 percent of the total allocated to a school district shall be devoted to the employment of teachers' aides. The use of any portion of the total allocated shall be approved for the employment of noncertificated teachers' aides by the Director of Compensatory Education only upon certification of the applicant district, approved by the county superintendent of schools which has jurisdiction over the applicant district, that teachers are unavailable for employment in accordance with the primary legislative intent of this article.

6481.6. Noncertificated teachers' aides employed under this article shall be under the immediate supervision and direction of certificated classroom teachers and shall not be utilized to carry out administrative duties other than those administrative duties which may be assigned by the classroom teacher.

A school district may employ as a teachers' aide any person determined to be qualified, including pupils in attendance in grades 11 and 12 in high schools, and students in attendance in junior colleges and in colleges and universities. The employment may be on a regular full-time, or on a part-time basis. The employment of pupils in attendance in grades 11 through 14, in public high schools and junior colleges, shall be arranged so that no reduction in attendance credit and State School Fund apportionments results therefrom. Teachers' aides shall be compensated by the employing school district at a rate no lower than the federal minimum hourly wage for time in which service was actually performed. A person employed as a teachers' aide shall be under the direct supervision of a certificated employee of the school district for no less than 75 percent of the time for which he is engaged in the performance of the duties during any day. The employment of college and university students as teachers' aides may, where appropriate, be undertaken for student teaching credit purposes.

6482. The Director of Compensatory Education, acting pursuant to rules and regulations adopted by the State Board of Education, upon the advice of the Directors of the Departments of Finance, Social Welfare, Employment, and Industrial Relations, shall designate the most concentrated areas of poverty and social tension in the state, taking into consideration such factors, among others, as the high incidence of poverty and low family and per capita incomes, unemployment, juvenile delinquency, persons receiving assistance under the program of Aid to Families with Dependent Children, and especially the low level of academic achievement by pupils in the public schools.

The Director of Compensatory Education shall allocate the funds available for programs under Section 6481 proportion-

ately by public school population among the areas designated by him. He shall then approve projects proposed to be undertaken by school districts within such areas at particular schools with the highest concentrations of low-income children and with the lowest records of academic achievement. Funds not fully utilized in one designated area may be reallocated to the other designated areas.

6483. Apportionments for purposes of this article shall be made upon order of the Superintendent of Public Instruction and by warrant of the State Controller. Moneys apportioned shall be expended precisely as directed by the Director of Compensatory Education.

6484. Apportionments to a school district shall be in the form of grants, no part of which shall be required to be matched by a district as a condition to receiving state aid under this article.

In making allocations pursuant to this article the Director of Compensatory Education shall use an allocation factor of seven thousand dollars ($7,000) per full-time equivalent classroom teacher.

6485. The Director of Compensatory Education shall require that the class size reduction project undertaken pursuant to this article be coordinated with and be an integral part of the school district's overall compensatory education plan, and that a significant portion of all funds which may be received by a district for purposes of this chapter shall be devoted to the purposes of this article.

6486 Programs or projects pursuant to this article within a school district shall be deemed a program of compensatory education or an element thereof, and, except as otherwise specifically provided in this article, shall be subject to all of the other provisions of this chapter.

Rules and regulations adopted by the State Board of Education for purposes of this chapter shall provide for the implementation of this article in all respects.

SEC. 1.5. Article 5 (commencing with Section 6490) is added to Chapter 6.5 of Division 6 of the Education Code, to read:

Article 5. Demonstration Programs in Intensive Instruction in Reading and Mathematics for Low Achieving Pupils.

6490. It is the intent and purpose of the Legislature that exemplary programs be established for intensive instruction in reading and mathematics to serve as demonstration projects aimed solely at developing, within pupils, above-average competence in these basic skill subjects. The program shall be developed to serve pupils in grades seven, eight, or nine who attend school in designated areas of disadvantage, and who otherwise would find difficulty in achieving complete success in high school.

It is the further intent of the Legislature that these programs in intensive instruction in reading and mathematics be operated by school districts directly, or by school districts through contract for partial or complete operation with any competent public or private agency, foundation or corporation. It is also the intent of the Legislature that authority be granted to permit the waiver of any provision of the Education Code by the program approving agency, if such is necessary for the development of model demonstration programs in the intensive instruction in reading and mathematics.

6491. From the funds appropriated therefore by the Legislature to the Department of Education for the purposes of this article, the Superintendent of Public Instruction, upon recommendation of the Director of Compensatory Education, with the approval of the State Board of Education, shall administer this article and make apportionments to school districts to meet the total approved expense of the school districts incurred in establishing demonstration programs in the intensive instruction in reading and mathematics for pupils in grades seven, eight, or nine.

6492. The governing board of any district which maintains grades seven, eight, or nine on account of any school or schools located in any area designated by the Director of Compensatory Education pursuant to the provisions of Education Code Section 6482, may make application to establish and operate a program under this article. The application shall be in the form and shall contain such data and information as the director shall specify.

6493. The governing board of a school district, in its application, may request waiver of the provisions of any section or sections of this code if such waiver is necessary to establish and operate a program under this article. The need for a waiver shall be explained and justified in the application. The Superintendent of Public Instruction, upon recommendation of the Director of Compensatory Education, with the approval of the State Board of Education, may grant, in whole, or in part, any such request.

6494. The governing board of the school district may make application to establish and operate a demonstration program under this article directly, or may make application to provide for partial or complete operation of such a program through a contract with any competent public or private agency, foundation or corporation.

6495. The State Board of Education shall adopt regulations setting forth the standards and criteria to be used in the evaluation of applications submitted by school districts. The standards and criteria adopted by the State Board of Education, among other items, shall include a statement of specific goals to be sought in the program both in terms of pupil achievement and for the purpose of establishing a model program, and the requirements for evaluation of the program.

6496. Upon approval by the State Board of Education of an application under this article, the Superintendent of Public Instruction shall certify the amount to be apportioned to the applicant school district.

6497. No later than the fifth legislative day of the 1969 Regular Session of the Legislature, the Superintendent of Public Instruction, upon recommendation of the Director of Compensatory Education, with approval of the State Board of Education, shall submit a report to the Legislature on the implementation and evaluation of demonstration programs under this article, including the achievement of pupils, together with recommendations concerning improvement, retention, extension or other aspects of the program.

6498. This article shall have no force or effect after the 91st day following the adjournment of the 1969 Regular Session of the Legislature.

SEC. 2. Article 4 (commencing with Section 19691) is added to Chapter 10 of Division 14 of said code, to read:

Article 4. School Housing Aid For Compensatory Education Purposes

19691. Not to exceed thirty-five million dollars ($35,000,000) of the proceeds of the sale of bonds authorized by the State School Building Aid Bond Law of 1966 may be expended pursuant to this article as grants to assist school districts.

Allocations and grants under this article shall be made by the State Allocation Board, upon application of an eligible school district, for the purposes and projects designated by the district and approved by the Director of Compensatory Education. The purposes and projects shall be provided for pupils in any or all of grades kindergarten through nine, inclusive, and for children participating in preschool programs. The Director of Compensatory Education may establish priorities for purposes of allocations and grants under this article based upon comparative needs of school districts and the urgency thereof. No interest shall be charged to a school district for an allocation or grant made under this article to the school district.

19692. Grants may be made pursuant to this article to districts which have been determined to be eligible for an apportionment under Article 4 (commencing with Section 6481) of Chapter 6.5 of Division 6, or districts maintaining schools for any of grades kindergarten through six, inclusive, in areas designated pursuant to Section 6482 which have reduced the number of pupils to full-time equivalent classroom teachers in grades kindergarten through six, inclusive, in those schools to a ratio of 25 to 1, or better. The grants shall be made for the purposes, and subject to the conditions, following:

For expenditure by the district in areas designated pursuant to Section 6482 for:

(1) Acquisition, by purchase or lease, and the installation and equipping of portable classrooms for classroom instructional purposes.

(2) Acquisition of land for school sites.

(3) Construction and equipping of permanent school buildings and facilities.

(4) Reconstruction, renovation or remodeling of existing school buildings and facilities.

(5) Any combination of the above.

19693. In lieu of grants to districts pursuant to subdivision (1) of Section 19692 for the purpose of acquisition of portable buildings or other facilities and equipment, the board may expend moneys available for grants under this article for the acquisition of portable buildings and facilities and equipment by the state, and thereafter convey the same to the eligible districts. Such conveyance to eligible districts may take the form of sale, lease, outright grant or other suitable form of conveyance, as determined by the board.

19694. In formulating recommendations to the board under this article, the Department of Education, through the Director of Compensatory Education, shall be subject to standards established by rules and regulations of the State Board of Education.

19695. For each school district which receives a grant or allocation pursuant to this article, commencing with the fiscal year next succeeding the fiscal year in which the grant or allocation was received, and for each fiscal year thereafter, the State Controller shall compute an amount equal to one cent ($0.01) on each one hundred dollars ($100) of the assessed valuation of property within the district. The State Controller shall, during the next fiscal year following that in which he makes the computation pursuant to the preceding sentence of this section, deduct the amount so computed in equal amounts from each of the February, March, April, and May installments of the apportionments made to such district from the State School Fund under Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive, whichever are in effect; and, on order of the State Controller, the amount so deducted shall be transferred to the State School Building Aid Fund. All money transferred to the State School Building Aid Fund under the provisions of this section shall be available only for transfer to the General Fund under the provisions of Section 19935.

The State Controller shall make the computations and deductions required by this section for 30 fiscal years or until such time as the total of the amounts so deducted equal 50 percent of the amount of the grant or allocation which was made to the school district, whichever first occurs.

Notwithstanding any provision of law to the contrary, for each fiscal year for which a computation is made pursuant to the section, the maximum rate of school district tax for the school district for which the computation is made shall be increased by one cent ($0.01) per each one hundred dollars ($100) of the assessed value of property within the district and shall be in addition to any amount of tax otherwise authorized to be levied, and amounts raised through the levy of such tax may be used to offset any reduction in equalization aid resulting from the deductions made pursuant to this section.

The increase in the maximum school district tax provided by this section shall be deemed to be for bonded debt service or current capital construction. If such one cent ($0.01) rate of school district tax levied by the district causes the tax levied by the district for bonded debt service and for current capital construction in the same year to exceed the forty-cent ($0.40) tax amount, as that term is defined by Section 19601 or 19601.1, whichever is applicable, for each grade level maintained by the district, the State Controller shall not make the deduction otherwise required by this section for such fiscal year.

19696. Sections 19551 to 19555, inclusive, Sections 19559, 19562, and 19565, and Sections 19620 to 19629, inclusive, of Article 1 of this chapter shall be applicable to the administration of this article, unless the context of this article, as determined by the board, requires otherwise.

SEC. 3. Article 5 (commencing with Section 19699) is added to Chapter 10 of Division 14 of the Education Code, to read:

Article 5. School Housing Aid for Districts Impacted by Seasonal Agricultural Employment

19699. Not to exceed one million dollars ($1,000,000) of the amount of the proceeds of bonds issued under the State School Building Aid Bond Law of 1966 which are reserved pursuant to Section 19945 may be expended pursuant to this article.

Nothing in this article shall be construed to sanction, perpetuate or promote the racial or ethnic segregation, or the segregation by economic class, of pupils in the public schools.

The funds shall be expended by the State Allocation Board, for the acquisition of portable school and classroom buildings, and for the expenses incurred in the administration of this article.

The portable school and classroom buildings may be made available by the board, upon the recommendation of the Director of Compensatory Education, to any school district which, because of the influx for temporary periods in the school year of large numbers of persons employed in seasonal agricultural work, experiences emergency increases in school enrollments of such magnitude as to make it impossible or im-

practical to accommodate the additional pupils in existing school buildings and facilities available to the district.

19699.1. The portable school and classroom buildings acquired pursuant to this article shall be made available to a school district irrespective of whether the district is otherwise in receipt of or eligible for assistance under any other provisions of this chapter.

The use of the portable school and classroom buildings may be made available to a school district by letting the same to the district free of charge, or by lease, or by conveying the same to the district under lease-purchase agreement, sale, or outright grant, as determined by the State Allocation Board upon consultation with, and the advice of, the Director of Compensatory Education. In addition the use of the portable school and classroom buildings may be made available to a school district by any of the means specified by Section 19579.1, as determined by the State Allocation Board upon consultation with, and the advice of, the Director of Compensatory Education.

19699.2. The use of the portable school and classroom buildings under this article shall be based upon application therefor submitted by the governing board of the school district to the Director of Compensatory Education, who shall review the same, make any modifications he deems appropriate, and transmit the approved application to the State Allocation Board with his recommendations as to the action to be taken thereon.

19699.3. If at any time the State Allocation Board shall determine that the need of the district for particular portable buildings which are made available to the district pursuant to this article has ceased, the board may take possession of such buildings on behalf of the state, and may dispose of the buildings to public or private parties in such manner and under such terms as it deems to be in the best interests of the state.

19699.4. Sections 19551 to 19555, inclusive, Sections 19559, 19562, and 19565, and Sections 19620 to 19629, inclusive, of Article 1 of this chapter shall be applicable to the administration of this article, unless the context of this article, as determined by the board, requires otherwise.

SEC. 4. On and after the date on which the Secretary of State certifies, pursuant to Section 18756 of the Elections Code, the results of the election at which the electors of the state have approved the State School Building Aid Bond Law of 1966, expenditures may be made to school districts pursuant to the provisions of Sections 2 and 3 of this act. Such expenditures may be made from any moneys in the State School Building Aid Fund which the State Allocation Board determines will not be disbursed as final apportionments prior to the adjournment of the 1967 Regular Session of the Legislature. As soon as practicable after the date upon which the Secretary of State so certifies to the results of the election, the State School Building Aid Fund shall be reim-

bursed for any expenditures so made, from the first proceeds of bonds issued under the State School Building Aid Bond Law of 1966.

SEC. 6. This act shall be operative until the 91st day following the adjournment of the 1969 Regular Session of the Legislature, and after that date shall have no force or effect.

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgently needed programs provided by this act may be fully effectuated in the 1966–1967 school year, and that planning and procedural steps to that end may be commenced as early as possible, it is necessary that this act go into immediate effect.

CHAPTER 107

An act to add Section 426c to the Code of Civil Procedure, relating to domestic relations.

[Approved by Governor May 25, 1966. Filed with Secretary of State May 26, 1966.]

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

SECTION 1. Section 426c is added to the Code of Civil Procedure, to read:

426c. In an action for divorce the complaint must set forth among other matters as near as can be ascertained the following facts:

(1) The state or country in which the parties were married.

(2) The date of marriage.

(3) The date of separation.

(4) The number of years from marriage to separation.

(5) The number of children of the marriage, if any, and if none a statement of that fact.

(6) The ages and birth date of the minor children.

CHAPTER 108

An act to amend Section 28506 of the Vehicle Code, relating to motor vehicle pollution control devices.

[Approved by Governor May 25, 1966. Filed with Secretary of State May 26, 1966.]

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

SECTION 1. Section 28506 of the Vehicle Code is amended to read:

28506. Any person may install a motor vehicle pollution control device; however, no person who is not a licensed installer shall install such a device for compensation. 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.

CHAPTER 109

An act to amend Section 31000 of the Government Code, relating to county employment.

[Approved by Governor May 27, 1966. Filed with Secretary of State May 27, 1966.]

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

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

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

The authority herein given to contract shall include the right of the board of supervisors, to contract for the issuance and preparation of payroll checks

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

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CHAPTER 110

An act to amend Section 11901 of, and to add Section 11916 to, the Health and Safety Code, relating to restricted dangerous drugs.

[Approved by Governor May 27, 1966. Filed with Secretary of State May 27, 1966.]

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

SECTION 1. Section 11901 of the Health and Safety Code is amended to read:

11901. "Restricted dangerous drugs," as used in this chapter, means any of the following:

(a) "Hypnotic drug" including acetyluria derivatives, barbituric acid derivitives, 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.

(c) "Lysergic acid," "LSD" (lysergic acid diethylamide) and "DMT" (N-N-dimethyltryptamine), including their salts and derivatives, or any compounds, mixtures or preparations which are chemically identical with such substances.

SEC. 2. Section 11916 is added to the Health and Safety Code, to read:

11916. The provisions of this chapter do not apply to the investigational use of any of the items listed in subdivision (c) of Section 11901 of this code for research purposes by qualified experts exempted under Sections 26288 and 26292 of this code. Nothing in this chapter authorizes the possession or furnishing by prescription of LSD or DMT, including their salts and derivatives, or any compounds, mixtures or preparations which are chemically identical with such substances.

CHAPTER 111

An act to amend Section 24386 of, and to add Section 24386.2 to, the Health and Safety Code, relating to motor vehicle pollution control.

[Approved by Governor May 31, 1966. Filed with Secretary of State May 31, 1966.]

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

SECTION 1. Section 24386 of the Health and Safety 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 (d) of Section 24390 of this code if:

(a) The cost of such device, including installation, is more than sixty-five dollars ($65);

(b) The annual maintenance cost of the device, including any adjustment necessary for its proper operation in order to meet the standards set pursuant to Section 426.5, is likely to exceed fifteen dollars ($15) a year; or

(c) The device does not equal or exceed the performance criteria established by the Motor Vehicle Pollution Control Board for devices for new motor vehicles or, in the alternative, have an expected useful life of 50,000 miles of operation.

(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. 2. Section 24386.2 is added to the Health and Safety Code, to read:

24386.2. Any manufacturer of a device required by subdivision (d) of Section 24390 of this code shall as a condition to certification of such device by the board, agree that so long as only one such device is certified by the board such manufacturer shall either: (1) agree to enter into such cross licensing or other agreements as the board determines are necessary to insure adequate competition among manufacturers of such devices to protect the public interest; or (2) agree as a condition to such a certification that if only one such device from one manufacturer is made available for sale to the public, the board shall, taking into consideration the cost of manufacturing the device and the manufacturer's suggested retail price, and in order to protect the public interest, determine the fair and reasonable retail price of such device and may require, as a condition to continued certification of such device, that the retail price of such device, including installation, not exceed such price as determined by the board. In either event the retail price so determined by the board for a device required by subdivision (d) of Section 24390 may be less than, but shall not be more than, sixty-five dollars ($65) per vehicle.

CHAPTER 112

An act to amend Section 268 of the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor June 2, 1966. Filed with Secretary of State June 3, 1966.]

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, 1965 or 1966 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 113

An act to add Chapter 11 (commencing with Section 18050) to Division 7 of the Public Utilities Code, relating to Lake Tahoe sewage disposal.

[Approved by Governor June 2, 1966. Filed with Secretary of State June 3, 1966.]

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

SECTION 1. Chapter 11 (commencing with Section 18050) is added to Division 7 of the Public Utilities Code, to read:

CHAPTER 11. ZONES IN DISTRICTS IN LAKE TAHOE BASIN

18050. Notwithstanding any other provision of law, any public utility district in the Lake Tahoe Basin which has provided or undertaken to provide a sewer system and treatment facilities which transport or are intended to transport any resultant sewage effluent outside the Lake Tahoe Basin, may form zones and issue zone bonds for the purpose of financing the costs of interceptor trunk sewers, force mains, pumping stations and appurtenant structures in the zone which, in the opinion of its board of directors, are necessary or useful in connecting local sewerage collection systems to the major sewerage works and system of the district, or which are necessary or useful in causing local areas to install sewerage collection systems, as provided in this chapter.

18051. (a) The zones authorized by this chapter shall be formed in the same manner as assessment districts are formed pursuant to the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000), Streets and Highways Code).

(b) The resolution of intention to form a zone shall briefly describe the proposed improvement, specify the exterior boundaries of the zone, and specify the maximum amount of zone bonds to be issued to finance the proposed improvement.

(c) Upon the conclusion of the hearing on the resolution of intention and the adoption of the resolution declaring the zone formed, the board of directors of the district may proceed with the issuance of zone bonds, not exceeding the amount specified in the resolution of intention, and with the construction of the proposed improvement. The board may exercise any and all powers of the district in the zone necessary to construct the proposed improvement.

The board shall formulate the proposition to issue zone bonds and shall conduct an election in the zone affected in the same manner as for bonds of the district pursuant to Article 1 (commencing with Section 16801), Chapter 5 of this division. An affirmative vote of two-thirds of the electors voting in the zone is necessary to issue zone bonds.

18052. Bonds of a zone formed pursuant to this chapter shall be issued in the amount of the costs of the improvements of the zone, notwithstanding Section 16573, payable in 25 or less serial annual amounts, and shall be in the same form, payable in the same manner, and be of the same effect as bonds of the district issued pursuant to Chapter 6 (commencing with Section 17001) of this division.

18053. Zone bonds, issued pursuant to this chapter, shall be investigated and certified in the same manner and with the same force and effect as bonds of an irrigation district pursuant to Division 10 (commencing with Section 20000) of the Water Code.

18054. The board shall annually, at the time of levying taxes for general district purposes, fix a rate of ad valorem tax upon the taxable real property in the zone created therefor, sufficient to pay the zone bond principal and interest as they become due before the proceeds of another such levy shall be available therefor, and such tax shall be levied, collected and money collected therefrom shall be expended to pay zone bonds principal and interest, in the same manner and with the same effect as taxes levied to pay bonds of the district pursuant to Article 8 (commencing with Section 16641), Chapter 4 of this division.

18055. The Legislature hereby finds and declares that special facts exist with respect to public utility districts in the Lake Tahoe Basin which require the enactment of this chapter, applicable only to such districts. The special facts are as follows:

(a) There is an urgent need for immediate action in providing an adequate system of sewer treatment and export facilities in order to prevent the pollution of the waters of Lake Tahoe.

(b) There are areas in these districts which are and will continue to be required to install sewerage collection systems which cannot now be connected to the major sewerage works and system of the districts.

(c) All areas of these districts are being required to connect to and use the works and system of the districts where they are available to them, but there is no economical means of providing the necessary intervening facilities which will be inviting to the owners of said areas to provide said facilities.

(d) The procedure provided in this chapter will stimulate and engender said purpose and thus help to bring about an early solution to the Lake Tahoe water pollution problem.

CHAPTER 114

An act to amend Sections 73341, 73342, 73343, 73351, and 73359 of, and to add Sections 73341.5, 73357, and 73358 to the Government Code, relating to courts.

[Approved by Governor June 2, 1966 Filed with Secretary of State June 3, 1966.]

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

SECTION 1. Section 73341 of the Government Code is amended to read:

73341. Except as otherwise provided in this article, each municipal court district established in Contra Costa County shall have the number of judges set forth opposite the name of the judicial district over which such court has jurisdiction.

Mt. Diablo Judicial District	1
Richmond Judicial District	3
San Pablo Judicial District	1
Walnut Creek-Danville Judicial District	1
Any other court established or declared to exist	1

SEC. 2. Section 73341.5 is added to the Government Code, to read:

73341.5. If the Board of Supervisors of Contra Costa County consolidates the Danville and Walnut Creek Judicial Districts, there shall be created an additional department of the Walnut Creek Municipal Court, there then being two departments thereof, with a judge for each department. The second judge shall take office on the operative date of the ordinance providing for the consolidation.

SEC. 3. Section 73342 of the Government Code is amended to read:

73342. Official reporters shall be appointed by the judges of each municipal court district pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

In lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, they shall receive a salary of nine hundred twenty-seven dollars ($927) a month, which shall be a charge against the general fund of the county.

SEC. 4. Section 73343 of the Government Code is amended to read:

73343. Pursuant to Section 72194, the judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in the sections for reporting testimony and proceedings, the official reporters pro

tempore shall in all cases receive forty-five dollars ($45) a day, which shall upon order of the court be a charge against the general fund of the county.

SEC. 5. Section 73351 of the Government Code is amended to read:

73351. The following salary schedule shall apply to all persons employed by municipal courts in Contra Costa County.

Salary Schedule

Range No.	1	2	3	4	5
10	$295	$310	$325	$341	$358
11	302	317	333	349	367
12	310	325	341	358	376
13	317	333	349	367	385
14	325	341	358	376	395
15	333	349	367	385	405
16	341	358	376	395	415
17	349	367	385	405	425
18	358	376	395	415	436
19	367	385	405	425	447
20	376	395	415	436	458
21	385	405	425	447	469
22	395	415	436	458	481
23	405	425	447	469	493
24	415	436	458	481	505
25	425	447	469	493	517
26	436	458	481	505	530
27	447	469	493	517	543
28	458	481	505	530	556
29	469	493	517	543	570
30	481	505	530	556	584
31	493	517	543	570	598
32	505	530	556	584	613
33	517	543	570	598	628
34	530	556	584	613	644
35	543	570	598	628	660
36	556	584	613	644	676
37	570	598	628	660	693
38	584	613	644	676	710
39	598	628	660	693	727
40	613	644	676	710	745
41	628	660	693	727	763
42	644	676	710	745	782
43	660	693	727	763	801
44	676	710	745	782	821
45	693	727	763	801	841
46	710	745	782	821	862
47	727	763	801	841	883
48	745	782	821	862	905
49	763	801	841	883	927
50	782	821	862	905	950

Range No.	1	2	3	4	5
51	801	841	883	927	973
52	821	862	905	950	997
53	841	883	927	973	1,022
54	862	905	950	997	1,047
55	883	927	973	1,022	1,073
56	905	950	997	1,047	1,099
57	927	973	1,022	1,073	1,126
58	950	997	1,047	1,099	1,154
59	973	1,022	1,073	1,126	1,183
60	997	1,047	1,099	1,154	1,212

Classes of positions provided in this article are allocated to the salary schedule as follows:

(a) Deputy clerk I ..... Range 17
(b) Deputy clerk II ..... Range 22
(c) Deputy clerk III ..... Range 30
(d) Deputy clerk IV ..... Range 39
(e) Clerk of court I ..... Range 48
(f) Clerk of court II ..... Range 53
(g) Deputy marshal I ..... Range 37
(h) Deputy marshal II ..... Range 41
(i) Marshal I ..... Range 51
(j) Marshal II ..... Range 55

The above salary schedule is the same schedule utilized for employees of Contra Costa County.

Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to municipal courts and marshals' offices and conversion to the new schedule shall be effected for employees of the municipal courts or marshals' offices in the same manner and on the same date as for county employees, but all such adjustments shall be effective only until 90 days after the adjournment of the next regular session of the Legislature.

SEC. 6. Section 73357 is added to the Government Code, to read:

73357. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) clerk of the court II
(b) Two (2) deputy clerks IV
(c) Two (2) deputy clerks III
(d) Five (5) deputy clerks II
(e) Two (2) deputy clerks I

SEC. 7. Section 73358 is added to the Government Code, to read:

73358. In a municipal court district having two judges, the following positions are authorized:

(a) One (1) marshal II
(b) Three (3) deputy marshals I

(c) One (1) deputy clerk II
(d) One (1) deputy clerk I
(e) Ten (10) deputies, who serve as custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered. Deputies serving under the provisions of this subdivision are not salaried employees of the judicial district for purposes of obtaining civil service status or any other benefits of this article.

SEC. 8. Section 73359 of the Government Code is amended to read:

73359. In a municipal court district having one judge, the following positions are authorized:
(a) One (1) clerk of the court I
(b) Two (2) deputy clerks IV
(c) Two (2) deputy clerks III
(d) Five (5) deputy clerks II
(e) Two (2) deputy clerks I

CHAPTER 115

An act to amend Sections 647, 756, and 759 of, and to add Part 3.5 (commencing with Section 2131) to Division 1 of, the Revenue and Taxation Code and to add Section 51521 to the Government Code and to repeal Section 51521 as added to the Government Code by Assembly Bill No. 140 of the 1966 First Extraordinary Session of the Legislature, relating to procedures for assessing and taxing property.

[Approved by Governor June 2, 1966 Filed with Secretary of State June 3, 1966]

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

SECTION 1. Section 647 of the Revenue and Taxation Code is amended to read:

647. If any city or lighting, water, or irrigation district or any district described in Section 2131 makes written request, on or before the first Monday in March, for a certified copy of the portion of the secured roll pertaining to property within its limits, the assessor shall comply with the request on or before the third Monday in July. Such roll is at all times, during office hours, open to the inspection of any person representing any taxing agency or revenue district, or any district described in Section 2131.

SEC. 2. Section 756 of said code is amended to read:

756. Immediately after the third Monday in August the board shall transmit to each county auditor a roll showing the assessments made by the board in the county and in each city

and revenue district in the county; provided, however, that the roll need not show the assessments made by the board in a revenue district which did not levy a tax or assessment during the preceding year. Such roll is at all times, during office hours, open to the inspection of any person representing any taxing agency or revenue district, or any district described in Section 2131. If the roll does not show the assessments in a revenue district as herein provided and a notice of a proposed levy is furnished the board in writing, the board shall furnish an estimate of the total assessed value of state-assessed property in the district and shall transmit thereafter to the county auditor a statement of roll change showing the assessments made by the board in the district. The estimate shall be regarded as establishing the total assessed value of state-assessed property in the district for the purpose of determining the tax rate of the district.

SEC. 3. Section 759 of said code is amended to read:

759. In lieu of complying with the provisions of Section 756, the board may, upon receipt by July 1 of a written request from a county auditor who has the approval of the board of supervisors, transmit to the auditor immediately after the first Monday in August an estimate of the total assessed value of state assessed property in the county and in each revenue district in the county. Such an estimate need not be made for a revenue district that did not levy a tax or assessment during the preceding year unless the board receives a notice in writing of a proposed levy, in which case the board shall furnish, as part of the original estimate or by way of a statement of changes, an estimate of the total assessed value of state-assessed property in the district.

The estimates shall be regarded as establishing the total assessed value of state-assessed property in the county and district for the purpose of determining the tax rate of such county and district, subject only to changes transmitted immediately after the third Monday in August. If there are no changes, the board shall at that time confirm its estimates. All information furnished pursuant to this section is at all times, during office hours, open to the inspection of any person representing any taxing agency or revenue district, or any district described in Section 2131.

SEC. 4. Part 3.5 (commencing with Section 2131) is added to Division 1 of said code, to read:

PART 3.5. DISTRICTS LOCATED IN MORE THAN ONE COUNTY: ALTERNATE METHOD OF COMPUTING LEVIES ON BASIS OF TENTATIVE FULL VALUES

2131. (a) Notwithstanding any provision of law to the contrary, the board of supervisors of any county in which a portion of the territory of a district described in this section is located may, by adoption of a resolution on or before the

first day of January of any year, require such district to cause the levy of any district tax or assessment in accordance with the provisions of this part. If the board of supervisors has adopted such a resolution, the board of directors of the district shall, on or before the last day of January following adoption of the board of supervisors' resolution, adopt a resolution, or the board of directors may, without such action by the board of supervisors, adopt such a resolution on or before the last day of January of any year, to cause the levy of any district tax or assessment in accordance with the provisions of this part, if:

(1) The territory within the boundaries of the district is situated in more than one county; and

(2) The portion of the district tax or assessment levied on locally assessable property is imposed according to the value of such property as it appears on the local rolls in the respective counties in which the district is situated.

(b) As used in this part, "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:

(1) The state.
(2) A county.
(3) A city.
(4) A school district.
(5) A unified or union high school library district.
(6) A special assessment district.
(7) An improvement district.
(8) A county service area.
(9) A metropolitan water district.

(c) As used in this part, "board of directors" means the legislative body or governing board of a district.

(d) A resolution adopted pursuant to this section shall remain in effect for at least one year but may be rendered ineffective at any time thereafter by a resolution so stating adopted on or before the last day of January of the year in which the levy of the district's tax or assessment shall no longer be imposed in accordance with the provisions of this part.

2132. (a) If a resolution has been adopted pursuant to Section 2131, the board of directors shall:

(1) Determine the total amount of revenue required by the district which will be derived from an ad valorem tax or ad valorem assessment on property on the secured roll.

(2) Divide the amount determined pursuant to paragraph (1) among the counties in which the district is situated in the proportions that the estimated full values of taxable property on the secured roll within the district in the respective counties bear to the estimated total full value of such property within the district.

(b) The estimated full value shall be determined by (1) dividing the assessed value of property within the district on the secured roll in each county by the ratio published by the board for such county under Section 1819; and (2) adding the figures thus derived for the several counties.

2133. Any board of directors which has adopted a resolution pursuant to Section 2131 shall certify, on or before September 1st of each year, to the auditor of each county in which the district is located the total amount of revenue to be derived from an ad valorem tax or assessment on property within the district on the county's secured roll, as such total is determined pursuant to Section 2132.

2134. After the board of supervisors has fixed the rate of the district tax or assessment, the auditor shall compute such rate in accordance with the assessed values of property as appearing on the secured roll.

SEC. 5. Section 51521 as added to the Government Code by Assembly Bill No. 140 of the 1966 First Extraordinary Session of the Legislature is repealed.

SEC. 6. Section 51521 is added to the Government Code, to read:

51521. When delinquent taxes of a general law city, with costs and penalties, have been paid to the county treasurer, the money collected, including, if authorized by the board of supervisors as a matter of general county policy, the costs and penalties on such delinquent taxes, shall be paid to the city treasurer, by warrants of the county auditor after deduction of the county's compensation.

SEC. 7. The Legislature finds and declares that existing procedures and practices in assessing property for tax purposes have created serious problems with respect to districts which have territory in more than one county, as variations between the ratios of assessed to full cash value in the several counties sometimes result in the taxpayers in one county bearing a greater tax burden for these intercounty districts, than taxpayers in another county, even though all taxpayers within the district receive equal benefit from the district's services. In order to correct this inequity, the Legislature finds that it is necessary to correct this assessment practice by equalizing the assessments of the counties in which an intercounty district is located, in order that the burden of the district's support shall be more uniformly apportioned.

The Legislature further finds and declares that present law permits cities at their option to transfer assessment and tax collection functions to the county. This consolidates a local governmental function and service under one agency, resulting in a more economic and efficient service. A defect exists in the present law in that delinquent penalties collected on overdue taxes owing to general law cities when a county collects the taxes, are paid into the county's general fund, while under the same circumstances when a chartered city is involved, such

penalties are paid to the city pursuant to Section 51554 of the Government Code. A further incongruity exists in that amounts collected as penalties in connection with the redemption of property are paid to general law cities as taxes. These inequities discourage further consolidation of tax assessing and collection functions. It is necessary to remove these inequities to promote, as soon as possible, the further consolidation of tax assessing and collecting functions.

SEC. 8. Section 5 of this act shall become operative only if the addition of Section 51521 of the Government Code as proposed by Assembly Bill No. 140 is enacted by the Legislature at its 1966 First Extraordinary Session.

CHAPTER 116

An act to amend Section 1908 of the Harbors and Navigation Code, relating to the San Francisco Port Authority.

[Approved by Governor June 2, 1966. Filed with Secretary of State June 3, 1966.]

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

SECTION 1. Section 1908 of the Harbors and Navigation Code is amended to read:

1908. The authority may own, operate or maintain fireboats for the protection from fire of property under the control and jurisdiction of the authority, or the authority may contract with the City of San Francisco or any other governmental agency for all or any part of the fireboat service, but in the latter case, the amount payable by the authority under the contract shall not exceed the sum of three hundred fifty thousand dollars ($350,000) in any year, and all matters pertaining to such fireboat service, including, but not limited to, the number of firemen and their wages and salaries, shall be subject to mutual agreement between the authority and the city or other governmental agency.

The authority may also pay the city for furnishing to the authority such services of firemen of the city as may be requested by the authority and furnished by the city in the performance of fire prevention work in cooperation with the San Francisco Fire Department, on the property of the state under the control and jurisdiction of the authority. The amount to be paid for such services shall not exceed the amount of salary or wages paid by the city to such firemen on account of the performance of such services for the authority, including its contributions to any retirement fund.

In addition to the amounts which may be collected for the purposes specified in this part by the authority, there shall be collected an amount sufficient to carry out the provisions of this section.

CHAPTER 117

An act to add Section 72602.4 to the Government Code, relating to courts.

[Approved by Governor June 2, 1966. Filed with Secretary of State June 3, 1966.]

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

SECTION 1. Section 72602.4 is added to the Government Code, to read:

72602.4. On October 1, 1966, the number of judges prescribed by Section 72602 for the South Bay Municipal Court District shall be increased to a total of four judges.

CHAPTER 118

An act to amend Section 1300.31 of the Agricultural Code, relating to marketing orders for fish and seafood, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 2, 1966. Filed with Secretary of State June 3, 1966.]

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

SECTION 1. Section 1300.31 of the Agricultural Code is amended to read:

1300.31. The provisions of this chapter regarding the marketing of agricultural commodities are applicable to fish and seafood and persons who handle, process, or distribute fish and seafood, except fish and seafood for canning, retorting, reduction or use in an extraction process.

Any marketing order or agreement relating to fish and seafood shall affect handlers only. It may include only those provisions of subdivision (b) Section 1300.15 which are authorized by paragraphs (8) and (11), but such provisions shall apply to all fish and seafood whether or not they are a product of California.

As used in this chapter with respect to fish and seafood:

(a) "Fish" means all forms of fish, either salt water or fresh water fish, used for human consumption except fish for canning, retorting, reduction or use in an extraction process.

(b) "Seafood" means shellfish and all other forms of animal or plant life taken from fresh or salt water and used for human

consumption except seafood which is used for canning, retorting, reduction or used in an extraction process.

(c) "Handler" means any person engaged in the business of the distribution or sale of fish or seafood to restaurants, or to retailers for resale to consumers, or to any other persons or concerns for resale or for sale direct to consumers.

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 proper marketing of vitally needed fish and seafood, the programs for advertising and sales promotion and research studies authorized by this act are needed as soon as possible, and therefore it is essential that this act take effect immediately.

CHAPTER 119

An act to add Section 68150 to the Government Code, relating to an emergency court plan.

[Approved by Governor June 2, 1966. Filed with Secretary of State June 6, 1966.]

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

SECTION 1. Section 68150 is added to the Government Code, to read:

68150. Upon the approval by the Chairman of the Judicial Council of a request of the presiding judge, or if there be none, of the senior or sole judge of the superior, municipal or justice court, the Governor or Acting Governor of the State of California may issue a proclamation that a state of judicial emergency exists within a specified county or judicial district setting forth that due to a large influx of criminal cases resulting from a large number of arrests within a short period of time, there exists a threat to the orderly operation of the courts within a specified county or judicial district. Such proclamation shall be in writing and shall take effect immediately upon its issuance. As soon thereafter as possible, it shall be filed in the office of the Secretary of State.

Following the issuance of such proclamation, the Chairman of the Judicial Council, may, during the period of judicial emergency, notwithstanding any other provision of law:

(a) Arrange for the transfer of civil cases pending trial in the municipal or justice court of the district affected to another trial court in the county having jurisdiction of the subject matter.

(b) Provide that the superior court of the county affected or a municipal or justice court in the district affected may hold sessions anywhere within the county for the conduct of criminal proceedings.

(c) Arrange for the transfer of civil cases pending trial in a court of the county affected to a court having jurisdiction of the subject matter in an adjacent county within the State of California. No such transfer shall be made pursuant to this subdivision except with the consent of all parties to the case or upon a showing by a party that extreme or undue hardship would result unless the case is transferred for trial. Any civil case so transferred shall be integrated into the existing caseload of the court to which it is transferred pursuant to rules to be provided by the Judicial Council.

(d) Suspend subdivisions (d), (e), and (f) of Section 199 of the Code of Civil Procedure relating to competency to act as a juror when necessary to obtain a sufficient number of jurors.

(e) Provide that a municipal or justice court after exhausting its own jury panel may draw jurors from jury panels of other municipal or justice courts within the county affected or of the superior court of the county affected.

The Chairman of the Judicial Council may at any time revoke his action or any part thereof ordering any or all of the foregoing into effect.

The authority granted by this section to the Judicial Council or the chairman thereof shall be in addition to authority granted by any other provision of law.

A state of judicial emergency shall be ended by a proclamation of the Governor or Acting Governor, issued at the request of the Chairman of the Judicial Council and filed in the same manner as the proclamation of a state of judicial emergency.

Any action of the Judicial Council or the chairman thereof authorized by this section shall automatically terminate when the Governor or Acting Governor proclaims the end of the state of judicial emergency. Such proclamation shall not affect the status or validity of any transfer made prior thereto or of trials in progress, and the judges presiding in such trials shall continue doing so until the trials have concluded.

Nothing contained in this section shall be construed to curtail the right of a defendant in a criminal case to a fair and speedy trial or authorize the trial of such a defendant by jurors drawn from a jury panel of a court outside the county of trial.

The Judicial Council shall, by resolution, designate one of its members who shall be authorized to act in the place of the Chairman of the Judicial Council under this section in the event the chairman is unable to act due to his absence from the state or other temporary disability to discharge the powers and duties of his office.

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 120

An act to amend Section 1431 of the Probate Code, to amend Sections 117m and 117p of the Code of Civil Procedure, to add Sections 2469.2 and 2469.3 to, and to amend Section 2470 of, the Civil Code, to amend Sections 26721, 26722, 26723, 26724, 26725, 26726, 26727, 26728, 26729, 26730, 26731, 26733, 26734, 26735, 26736, 26738, 26739, 26740, 26741, 26742, 26743, 26744, 26821, 26822, 26826, 26827, 26828, 26829, 26833, 26834, 26837, 26839, 26840, 26848, 26852, 26853, 26855, 72054, 72055 and 72057 of, and to repeal Sections 72063, 72064, 72067, 72069, 72070, 72071 and 72072 of, the Government Code, relating to fees and fictitious name certificates.

[Approved by Governor June 2, 1966 Filed with Secretary of State June 6, 1966]

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

SECTION 1. Section 1431 of the Probate Code is amended to read:

1431. When a minor has a disputed claim for damages, money or other property against a third person, his father, or if his father is dead or the parents of said minor are living separate or apart and his mother then has care or custody of said minor then his mother, or the guardian of the estate, if any, of the minor, shall have the right to compromise, or execute a covenant not to sue on, such claim, but before the compromise or covenant is valid it must be approved by the superior court of the county where the minor resides, upon the filing of a verified petition in writing. The parent having the right to compromise or execute a covenant not to sue, or the guardian of the estate, if any, may execute a full release and satisfaction or execute a covenant not to sue on the disputed claim after the money and other property to be paid or delivered has been paid or delivered as hereinafter prescribed; provided, however, that if the court shall order that all or any part of the money, to be paid under the compromise or covenant, be deposited in a bank or trust company or invested in an account in an insured savings and loan association, such release and satisfaction or covenant shall not be effective for any purpose until such money has been deposited as directed in the order of the court. Any money or other property to be paid or delivered for the benefit of the minor

pursuant to said compromise or covenant shall be paid and delivered in the manner and upon the terms and conditions specified in Section 1510 of the Probate Code.

SEC. 2. Section 117m of the Code of Civil Procedure is amended to read:

117m. If no appeal be taken by the defendant and the defendant fails to pay the judgment according to the terms and conditions thereof, the justice before whom such a hearing was had, or the clerk or deputy clerk of said justice's or municipal court, shall, on application of the plaintiff and the payment of a fee of one dollar and fifty cents ($1.50), certify such judgment in substantially the following form:

In the Small Claims Court of _____, County of _____, State of California.

_____, Plaintiff, vs. _____, Defendant.	Case No. _____ Abstract of Judgment

In the above-entitled court and action on the _____ day of _____, 19___, judgment was entered for plaintiff for $_____; that no appeal from said judgment has been taken.

Dated this _____ day of _____, 19___.

_____,
Justice of said court.

_____,
Clerk of said court.

SEC. 3. Section 117p of said code is amended to read:

117p. A fee of one dollar and fifty cents ($1.50) shall be charged and collected for the filing of the affidavit for the commencement of any action; for each defendant to whom a copy of the affidavit is mailed by the clerk a fee of one dollar and fifty cents ($1.50) shall be charged and collected; and a fee of one dollar and fifty cents ($1.50) shall be charged and collected for the issuance of a writ of execution. Except as otherwise provided for in this chapter, no other fee or charge shall be collected by any officer for any service rendered under this chapter, or for the taking of affidavits for use in connection with any action commenced under this chapter. All fees collected hereunder shall be deposited with the treasurer of the city and county or county under whose jurisdiction any such court shall exist.

SEC. 4. Section 2469.2 is added to the Civil Code, to read:

2469.2 Every certificate of fictitious name filed under the authority of this chapter shall expire and be of no further force and effect at the end of five years following the first day of January next after the filing of a certificate of fictitious name with the county clerk in accordance with Section 2466,

unless at any time within 12 months immediately preceding said date of expiration a renewal certificate containing all information required in the original certificate and subscribed and acknowledged as required by that section is filed with the county clerk with whom said original is on file. No such renewal certificate need be published unless there has been a change in the information required in the original certificate, in which event publication shall be made as provided for the original certificate.

Every certificate of fictitious name heretofore filed with the county clerk pursuant to Section 2466 shall expire and be of no further force and effect on and after January 1, 1971, unless at any time on or after January 1, 1970, but not later than December 31, 1970, a renewal certificate in accordance with this section is filed with said county clerk.

SEC. 5. Section 2469.3 is added to said code, to read:

2469.3. Upon the filing of a certificate of abandonment pursuant to Section 2469.1 or upon the expiration of a certificate of fictitious name pursuant to Section 2469.2 and following the making of the entry required by Section 2470 the county clerk may destroy the certificate of fictitious name the use of which was so abandoned or which has expired, provided that microfilm copies are taken of the certificates and subsequently filed before they are destroyed.

SEC. 6. Section 2470 of said code is amended to read:

2470. Every county clerk must keep a register of the names of firms and persons mentioned in the certificates filed with him pursuant to this article, entering in alphabetical order the name of every such person who does business under a fictitious name, and the fictitious name, and the name of every such partnership, and of each partner therein.

Upon the abandonment of the use of a fictitious name, or upon the expiration of the certificate of fictitious name, the clerk shall enter the fact of abandonment or expiration in the register.

SEC. 7. Section 26721 of the Government Code is amended to read:

26721. Except as provided in this article, the fee for serving or executing any process or notice required by law or the litigants to be served is three dollars ($3).

SEC. 8. Section 26722 of said code is amended to read:

26722. The fee for serving or levying a writ of attachment, execution, or order for the delivery of personal property is five dollars ($5).

SEC. 9. Section 26723 of said code is amended to read:

26723. The fee for taking any bond or undertaking is one dollar ($1).

SEC. 10. Section 26724 of said code is amended to read:

26724. The fee for serving an attachment or execution on any ship, boat, or vessel is ten dollars ($10).

SEC. 11. Section 26725 of said code is amended to read:

26725. The fee for serving or executing a writ of attachment, execution, or order on real estate is three dollars ($3) a service or posting as to each continuous unbroken parcel or tract, and three dollars ($3) for serving a record owner other than the defendant.

SEC. 12. Section 26726 of said code is amended to read:

26726. The fee for keeping and caring for property under attachment, execution, or claim and delivery is not to exceed eighteen dollars ($18) when necessarily employed for any eight (8) hour period or any part thereof. Should an additional keeper or keepers be required during such eight (8) hour period or fraction thereof, the fee for such additional keeper or keepers shall be the same as herein fixed, but, in no event shall any one keeper receive more than thirty-six dollars ($36) during any twenty-four (24) hour period when so employed.

SEC. 13. Section 26727 of said code is amended to read:

26727. The fee for a copy of any writ, process, paper, order, or notice actually made by him when required or demanded is ninety cents ($0.90) a page, except that when correct copies are furnished to him for use no charge shall be made for such copies.

SEC. 14. Section 26728 of said code is amended to read:

26728. The fee for preparing and posting notices of personal property sale under attachment, execution, or order of court is two dollars ($2) each, and mileage.

SEC. 15. Section 26729 of said code is amended to read:

26729. The fee for furnishing a notice for publication is one dollar ($1).

SEC. 16. Section 26730 of said code is amended to read:

26730. The fee for conducting and postponing the sale of real and personal property as required by law or the litigant is three dollars ($3) and mileage.

SEC. 17. Section 26731 of said code is amended to read:

26731. The fee for advertising and posting a notice of sale of real property and of any ship, boat, or vessel as required by law is two dollars ($2) each and mileage, exclusive of costs of publication.

SEC. 18. Section 26733 of said code is amended to read:

26733. The fee for serving a writ of possession or restitution, putting a person in possession of the premises, and removing the occupant is ten dollars ($10).

SEC. 19. Section 26734 of said code is amended to read:

26734. The fee for serving a garnishment, or for making a levy on personal property already in possession of the officer who is holding same under attachment in the same action, is three dollars ($3).

SEC. 20. Section 26735 of said code is amended to read:

26735. The fee for serving and filing notices of attachment of the interest of a defendant in the estate of a decedent is

three dollars ($3) for serving the personal representative of the decedent, and three dollars ($3) for filing a copy of the writ of attachment and notice with the county clerk.

SEC. 21. Section 26736 of said code is amended to read:

26736. The fee for cancellation of the service or execution of any process or notice prior to its completion is two dollars ($2) and mileage. Mileage actually incurred for one trip only in attempting to serve or execute such process or notice shall be allowed. The fee provided by this section shall not be charged where a charge is made pursuant to the provisions of any other section of this article; nor shall such fee be charged where the cancellation is requested prior to the time a trip is made in attempting to serve or execute such process or notice.

SEC. 22. Section 26738 of said code is amended to read:

26738. The fee for making a not-found return on a summons, affidavit and order, order for appearance, subpoena, writ of attachment, writ of execution, order for delivery of personal property, or other process or notice required to be served, certifying that the person or property cannot be found within the judicial district in which the address specified is situated, is three dollars ($3) and mileage. Mileage for one trip only shall be allowed.

SEC. 23. Section 26739 of said code is amended to read:

26739. The fee for collecting money on attachment or execution with or without levy is 1 percent on the first one thousand dollars ($1,000) or less, and one-half of 1 percent on all sums over one thousand dollars ($1,000), but not less than one dollar ($1) for any collection.

SEC. 24. Section 26740 of said code is amended to read:

26740. The fee for the execution and delivery of a deed or certificate of redemption is three dollars ($3).

SEC. 25. Section 26741 of said code is amended to read:

26741. The fee for executing and delivering a certificate of sale is three dollars ($3).

SEC. 26. Section 26742 of said code is amended to read:

26742. The fee for executing and delivering any other instrument is two dollars ($2).

SEC. 27. Section 26743 of said code is amended to read:

26743. The fee for subpoenaing witnesses, including a copy of the subpoenas, is two dollars ($2) each.

SEC. 28. Section 26744 of said code is amended to read:

26744. The fee for serving or executing a civil order or warrant of arrest, except for civil contempts of court is three dollars ($3) and mileage. The fee provided by this section shall also be charged where the civil order or warrant arises from an order of appearances issued under Sections 545, 714, 715 or 717 of the Code of Civil Procedure.

SEC. 29. Section 26821 of the Government Code is amended to read:

26821. The fee for the filing of the first paper in a civil action or special proceeding, except an adoption proceeding, is eighteen dollars ($18); provided, however, in each civil action

in which the demand is for one thousand dollars ($1,000) or less, the filing fee shall be twelve dollars ($12).

SEC. 30. Section 26822 of said code is amended to read:

26822. The fee for filing the papers transmitted from another court on the transfer of a civil action or a special proceeding is eighteen dollars ($18).

SEC. 31. Section 26826 of said code is amended to read:

26826. Upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, correspondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is five dollars ($5).

As used in this section the word "paper" does not include a stipulation for the appointment of a judge pro tempore or of a court investigator or the report made by such investigator or the declaration of a spouse filed in an order to show cause proceeding.

SEC. 32. Section 26827 of said code is amended to read:

26827. The fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee, or a petition for letters of guardianship, or a petition for letters of conservatorship, or a petition for compromise of minor's claim, is eighteen dollars ($18). For filing any subsequent petition for letters of administration, special letters of administration, letters testamentary, letters of guardianship, or letters of conservatorship, or a petition to contest any will or codicil, in the same proceeding, the fee is twelve dollars ($12). When the subsequent petition is filed to amend a previously filed petition, but the petitioner is the same person named in the original petition, no fee shall be charged. When the public administrator or an employee of the Department of Mental Hygiene in his official capacity is the petitioner, he shall be required to pay the fee only out of the assets of the estate coming into his possession.

SEC. 33. Section 26828 of said code is amended to read:

26828. The fee for preparing and issuing a writ of attachment, a writ of mandate, a writ of execution, a writ of restitution, a writ of possession, a writ of prohibition, or any wri for the enforcement of any order or judgment is four dol lars ($4).

SEC. 34. Section 26829 of said code is amended to read:

26829. The fee for preparing and issuing an order of sale is four dollars ($4).

SEC. 35. Section 26833 of said code is amended to read:

26833. The fee for certifying to a copy of any paper, record, or proceeding on file in the office of the county clerk or clerk of a municipal court is one dollar ($1).

SEC. 36. Section 26834 of said code is amended to read:

26834. The fee for preparing and issuing an abstract of judgment is four dollars ($4).

SEC. 37. Section 26837 of said code is amended to read:

26837. For comparing with the original on file in the office of the county clerk or clerk of a municipal court, the copy of any paper, record, or proceeding prepared by another and presented for his certificate, the fee is thirty cents ($0.30) a page, in addition to the fee for his certificate. The minimum fee for comparing any paper, record, or copy of proceeding with the original on file in the office of the county clerk or clerk of a municipal court and affixing his certificate thereto is one dollar ($1).

SEC. 38. Section 26839 of said code is amended to read:

26839. For an exemplification of a record or other paper on file, the fee is three dollars ($3) and the charges allowed for copying or comparing.

SEC. 39. Section 26840 of said code is amended to read:

26840. The fee for issuing a marriage license is five dollars ($5), to be collected at the time it is issued, one-half of which shall be paid to the county recorder. In counties where the salary of the county recorder is the sole compensation allowed by law, this fee shall be paid to the county treasurer who shall credit one-half to the county recorder. The fee provided by this section is in full for all services of the clerk and recorder in connection with the issuance of a marriage license and the filing of a certificate of registry of marriage.

SEC. 40. Section 26848 of said code is amended to read:

26848. The fee for filing and indexing a certificate of fictitious name, including affidavit of publication, and the fee for filing and indexing a renewal certificate of fictitious name, is two dollars ($2).

SEC. 41. Section 26852 of said code is amended to read:

26852. The fee for each certificate to the official capacity of any public official is one dollar ($1).

SEC. 42. Section 26853 of said code is amended to read:

26853. The fee for taking an affidavit, except in criminal cases or adoption proceedings, is one dollar ($1).

SEC. 43. Section 26855 of said code is amended to read:

26855. The fee for taking acknowledgment of any deed or other instrument, including the certificate, is one dollar ($1) for each signature.

SEC. 44. Section 72054 of said code is amended to read:

72054. Except as otherwise provided by law, the clerk of each municipal court shall charge the fees prescribed by this article, and by Sections 26831, 26832, 26833, 26837, 26839, 26853 and 26855, for all services to be performed.

SEC. 45. Section 72055 of said code is amended to read:

72055. The fee for filing the complaint, or other first paper is eight dollars ($8), to include all proceedings before trial and all services to be performed in a judgment by default or for the trial of either a question of law or fact, including all affidavits, swearing witnesses and jury, and entry of judgment.

SEC. 46. Section 72057 of said code is amended to read:

72057. The fee for filing the papers transmitted from another court, on the transfer of a civil action or proceeding, and all proceedings before trial and all services, is eight dollars ($8).

SEC. 47. Section 72063 of said code is repealed.

SEC. 48. Section 72064 of said code is repealed.

SEC. 49. Section 72067 of said code is repealed.

SEC. 50. Section 72069 of said code is repealed.

SEC. 51. Section 72070 of said code is repealed.

SEC. 52. Section 72071 of said code is repealed.

SEC. 53. Section 72072 of said code is repealed.

SEC. 54. Notwithstanding any of the provisions of law to the contrary, the additional amount of revenue which a county receives pursuant to the provisions of this act which is attributable to the increase of fees authorized by this act shall be deposited in the Property Tax Reduction Fund, which fund shall be established by the board of supervisors of a county pursuant to Article 10 (commencing with Section 29520) of Chapter 2 of Division 3 of Title 3 of the Government Code.

CHAPTER 121

An act to amend Section 214 of, and to add Sections 215.5 and 225.5 to, the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor June 2, 1966. Filed with Secretary of State June 6, 1966.]

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

SECTION. Section 214 of the Revenue and Taxation Code is amended to read:

214. Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation if:

(1) The owner is not organized or operated for profit; provided, that in the case of hospitals, such organization shall not be deemed to be organized or operated for profit, if during the immediate preceding fiscal year the excess of operating revenues, exclusive of gifts, endowments and grants-in-aid, over operating expenses shall not have exceeded a sum equivalent to 10 percent of such operating expenses. As used herein, operating expenses shall include depreciation based on cost of replacement and amortization of, and interest on, indebtedness;

(2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual;

(3) The property is used for the actual operation of the exempt activity;

(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;

(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose;

(6) The property is irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon the liquidation, dissolution or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, scientific, or charitable purposes;

(7) The property, if used exclusively for scientific purposes, is used by a foundation or institution which, in addition to complying with the foregoing requirements for the exemption of charitable organizations in general, has been chartered by the Congress of the United States (except that this requirement shall not apply when the scientific purposes are medical research), and whose objects are the encouragement or conduct of scientific investigation, research and discovery for the benefit of the community at large.

The exemption provided for herein shall be known as the "welfare exemption" This exemption shall be in addition to any other exemption now provided by law. This section shall not be construed to enlarge the college exemption. Property used exclusively for school purposes of less than collegiate grade and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for nursery school purposes and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for a noncommercial educational FM broadcast station or an educational television station and owned and operated by religious, hospital, scientific or charitable funds, foundations or corporations meeting all of the requirements of this section, shall be deemed to be within the

exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

SEC. 2. Section 215.5 is added to the Revenue and Taxation Code, to read:

215.5. All personal property owned or leased by a nonprofit corporation, which does not accept advertising for a consideration and is engaged exclusively in the production of programs for educational television, and all personal property owned or leased by a nonprofit educational organization, which is engaged exclusively in the production of programs as a noncommercial educational FM broadcast station, shall be exempt from taxation, if such personal property is used solely and exclusively for the purposes of such organization or corporation and no part of the corporation's or organization's net earnings inure to the benefit of any private shareholder or individual.

SEC. 3. Section 225.5 is added to the Revenue and Taxation Code, to read:

225.5. (a) For purposes of Section 214 an educational television station is any facility, which does not accept advertising for a consideration and which transmits television programs by wires, lines, radio waves, waveguides, coaxial cable, microwave transmitters or other electronic or mechanical means or any combination thereof, if the corporation, fund or foundation owning such station receives at least twenty-five (25) percent of its operating expenses by means of contributions from the general public or dues from members.

(b) For purposes of Section 214 a noncommercial educational FM broadcast station is any facility licensed and operating pursuant to subpart (C) (commencing with Section 73.501) of Part 73 of Title 47 of the Code of Federal Regulations.

SEC. 4. 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 122

An act to amend the heading of Chapter 5 (commencing with Section 18300) of Part 6 of Division 9 of, to amend Sections 18300, 18301, 18302, 18303, 18304, and 18353 of, to amend and renumber Section 18357 of, and to add Section 18306 to, the Welfare and Institutions Code, relating to the California Commission on Aging.

[Approved by Governor June 6, 1966. Filed with Secretary of State June 6, 1966.]

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

SECTION 1. The heading of Chapter 5 (commencing with Section 18300) of Part 6 of Division 9 of the Welfare and Institutions Code is amended to read:

CHAPTER 5. CALIFORNIA COMMISSION ON AGING

SEC. 2. Section 18300 of the Welfare and Institutions Code is amended to read:

18300. There is in the Health and Welfare Agency, to advise the Governor on the needs and problems of the senior citizens of California, the California Commission on Aging. The commission shall be composed of eight persons appointed by the Governor, subject to confirmation by the Senate, 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 commission shall be advisory in character and shall not be delegated any administrative authority or responsibility beyond what is stated in this chapter. The Governor shall designate the chairman and vice chairman of the commission and commission members shall serve at the pleasure of the Governor. Commission 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.

SEC. 3. Section 18301 of the Welfare and Institutions Code is amended to read:

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 commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power. For the purposes of this chapter, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

SEC. 4. Section 18302 of the Welfare and Institutions Code is amended to read:

18302. The functions of the commission 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 clearinghouse 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.

SEC. 5. Section 18303 of the Welfare and Institutions Code is amended to read:

18303. The commission 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.

SEC. 6. Section 18304 of the Welfare and Institutions Code is amended to read:

18304. The commission 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 commission.

SEC. 7. Section 18357 of the Welfare and Institutions Code is amended and renumbered to read:

18305. The commission, 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. 8. Section 18306 is added to the Welfare and Institutions Code, to read:

18306. Wherever there is a reference in any statute of this state to the Citizens Advisory Committee on Aging it shall be construed to refer to the California Commission on Aging.

SEC. 9. Section 18353 of the Welfare and Institutions Code is amended to read:

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 California Commission 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 funds.

CHAPTER 123

An act to require the conveyance of certain lands now in the possession and control of the San Francisco Port Authority.

[Approved by Governor June 6, 1966. Filed with Secretary of State June 6, 1966.]

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

SECTION 1. The San Francisco Port Authority is authorized and directed to convey on behalf of the state, to the Redevelopment Agency of the City and County of San Francisco all right, title, and interest of the state in the state lands described as follows:

(a) Beginning at the point of intersection of the easterly line of Drumm Street and the northerly line of Merchant Street, as said streets are shown on map entitled, "Record of Survey Map of the GOLDEN GATEWAY", recorded September 29, 1961, in Book "T" of Maps, pages 22, 23 and 24, in the office of the Recorder of the City and County of San Francisco, State of California; running thence easterly along said northerly line of Merchant Street 427.313 feet to the northeasterly boundary line of 50 Vara Block "D", as said block is shown on map hereinabove referred to; thence southerly at a right angle to the northerly line of Merchant Street 45 feet to the southerly line of Merchant Street; thence westerly along said southerly line of Merchant Street 427.313 feet to the easterly line of Drumm Street; thence northerly along the northerly production of said line of Drumm Street 45 feet to the point of beginning.

Being a portion of Merchant Street as shown on map hereinabove referred to.

(b) Beginning at the point of intersection of the easterly line of Drumm Street and the northerly line of Clay Street, as said streets are shown on map entitled, "Record of Survey Map of the GOLDEN GATEWAY", recorded September 29, 1961, in Book "T" of Maps, pages 22, 23 and 24, in the office

of the Recorder of the City and County of San Francisco, State of California; running thence easterly along said northerly line of Clay Street 427.313 feet to the intersection thereof with a line drawn southerly at a right angle to the northerly line of Merchant Street from the point of intersection of said line of Merchant Street with the northeasterly boundary line of 50 Vara Block "D", as said block is shown on map hereinabove referred to; thence southerly along said line so drawn to the point of intersection thereof with a line drawn from the southeasterly corner of 50 Vara Block "D" to the northeasterly corner of 50 Vara Block "C", as said blocks are shown on said map; thence southwesterly along last said line so drawn to the northeasterly corner of said 50 Vara Block "C", said corner being the point of intersection of the southerly line of Clay Street with the northeasterly boundary line of said 50 Vara Block "C"; thence westerly along said southerly line of Clay Street 408.284 feet to the easterly line of Drumm Street; thence northerly along the northerly production of said line of Drumm Street 49.125 feet to the point of beginning.

Being a portion of Clay Street, as shown on map hereinabove referred to.

SEC. 2. The Legislature hereby finds and declares that the lands described in Section 1 have ceased to be tide and submerged lands and are therefore free of the public trust for navigation, commerce, and fisheries.

SEC. 3. The lands described in Section 1 shall be conveyed to the Redevelopment Agency of the City and County of San Francisco free of any previously existing public trust for navigation, commerce, and fisheries or any other use, trust, condition or restriction which may have been imposed upon the lands.

SEC. 4. The lands described in Section 1 shall be sold at a price established by agreement after independent appraisals between the San Francisco Port Authority and the Redevelopment Agency of the City and County of San Francisco, with the approval of the State Director of Finance. The Port Authority may require as additional consideration that the Redevelopment Agency of the City and County of San Francisco shall agree to provide such access streets to the waterfront as may be necessary. A deed or quitclaim deed executed by the San Francisco Port Authority shall be sufficient to convey title of said lands to the Redevelopment Agency of the City and County of San Francisco. The deed or quitclaim deed shall reserve to the State of California all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits contained in the land conveyed, and further reserve to the State of California and persons authorized by the state, the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals from the land conveyed, subject to the provision that the right to drill for and

extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals, shall not disturb the surface, or the ground within 100 feet of the surface of the real property conveyed.

SEC. 5. The Redevelopment Agency of the City and County of San Francisco is authorized to bring or defend any action to establish its title to the lands described in Section 1. Any suit against the state, or against any agency of the state, to establish title in the Redevelopment Agency of the City and County of San Francisco is authorized, and consent to any such suit is given.

SEC. 6. Service of summons in any actions or suits pursuant to Section 4 or 5 shall be made upon the President of the San Francisco Port Authority and upon the Attorney General, and the Attorney General shall represent the state in any such actions or suits. Cost of such suits, including reasonable attorneys fees, shall be borne by the Redevelopment Agency of the City and County of San Francisco.

SEC. 7. Any money received from the sale of the lands described in Section 1 shall be paid into the State Treasury to the credit of the San Francisco Harbor Improvement Fund. Said money shall be used by the San Francisco Port Authority for the purpose of acquiring land of at least equal value which shall be subject to the public trust for navigation, commerce, and fisheries.

SEC. 8. No statute requiring a conditional transfer of state land, or a transfer subject to reversion upon breach of condition, shall apply to the transfer provided for by this act.

CHAPTER 124

An act to add Section 155.3 to the Revenue and Taxation Code and Section 43005.3 to the Government Code, relating to reassessment of property in disaster areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 6, 1966. Filed with Secretary of State June 6, 1966.]

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

SECTION 1. Section 155.3 is added to the Revenue and Taxation Code, to read:

155.3. Notwithstanding anything in this code to the contrary, in any county with a population of 4,000,000 or more, as determined by the 1960 federal census, the board of supervisors may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March 1965 was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed by landslides in an area or region subsequently proclaimed by

the Governor to be in a state of disaster may, within the time specified in the ordinance, make application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars ($1,000). The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

SEC. 2. Section 43005.3 is added to the Government Code, to read:

43005.3. Notwithstanding any other contrary provisions of law, the city legislative body may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March 1965 was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed by landslides in an area or region subsequently proclaimed by the Governor to be in a state of disaster, may, within the time specified in the ordinance, make application for the reassessment of such property and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of one thousand dollars ($1.000). The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value

of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him, as an erroneously collected tax.

This section shall apply to all cities, whether operating under a charter or the general laws of this state.

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

The recent disastrous landslides in the City of Los Angeles, an area subsequently proclaimed by the Governor to be in a state of disaster, has destroyed and damaged property to such an extent that unless partial relief from taxation is given to the owners thereof, there is grave danger that they may be unable to pay the taxes currently levied thereon. Section 2.8 of Article XIII of the Constitution authorizes the Legislature to provide for appropriate relief from ad valorem taxation in such situations. In order that such relief may be afforded at the earliest possible time to the people in these stricken areas, it is necessary that this act go into immediate effect.

CHAPTER 125

An act to add Article 5 (commencing with Section 745) to Chapter 3 of, and Chapter 9 (commencing with Section 895) to, Division 1 of the Streets and Highways Code, relating to areas adjacent to state highways.

[Approved by Governor June 16, 1966. Filed with Secretary of State June 16, 1966]

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

SECTION 1. Article 5 (commencing with Section 745) is added to Chapter 3, Division 1, of the Streets and Highways Code, to read:

Article 5. Control of Junkyards, Scrap Metal Processing Facilities, and Automobile Dismantling Facilities

745. The Legislature hereby finds and declares that:

(a) The establishment, use and maintenance of outdoor junkyards, scrap metal processing facilities, and automobile dismantling facilities in areas adjacent to any highway included in the national system of interstate and defense highways or the federal-aid primary highway system should be controlled in order to promote the safety and recreational value of public travel, to protect the public investment in such highways, and to preserve the natural beauty of areas adjacent to such highways. The Legislature finds that motorists are distracted by unscreened junkyards, scrap metal processing facilities, and automobile dismantling facilities adjacent to such highways and that a junkyard visible from such a highway constitutes a hazard to the safety of the traveling public.

(b) It is the intent of the Legislature, by the enactment of this article, to provide for the state control of outdoor junkyards, scrap metal processing facilities, and automobile dismantling facilities required by Section 136 of Title 23 of the United States Code.

746. As used in this article:

(a) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material.

(b) "Automobile graveyard" means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(c) "Junkyard" means any establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard or a scrap metal processing facility, and includes any garbage dump or sanitary fill.

(d) "Scrap metal processing facility" means any establishment or place of business which is maintained, used, or operated solely for the processing and preparing of scrap metals for remelting by steel mills and foundries.

(e) "Automobile dismantling facility" means any establishment or place of business which is maintained, used, or operated by an "automobile dismantler," as defined in the Vehicle Code, for the buying, selling, or dealing in vehicles of a type required to be registered under the Vehicle Code for the purpose of dismantling such vehicles and for the buying or selling of the integral parts and component materials of such vehicles.

747. Except as hereafter provided, no junkyard, scrap metal processing facility, or automobile dismantling facility shall be established, operated, or maintained if any portion

of the junkyard, scrap metal processing facility, or automobile dismantling facility is within 1,000 feet of the nearest edge of the right-of-way and visible from the main traveled way of any highway included in the national system of interstate and defense highways or the federal-aid primary highway system.

748. Any junkyard, scrap metal processing facility, or automobile dismantling facility lawfully maintained on the effective date of this section, shall, by January 1, 1968, be screened, if practical, by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of any highway included in the national system of interstate and defense highways or the federal-aid primary highway system, or shall otherwise be removed from sight of such highway, if any portion of the junkyard, scrap metal processing facility, or automobile dismantling facility is within 1,000 feet of the nearest edge of the right-of-way and if it is visible from the main traveled way of such highway. The department shall screen such junkyards, scrap metal processing facilities, and automobile dismantling facilities at locations on the highway right-of-way or in areas acquired for such purpose adjacent to the right-of-way.

749. Notwithstanding any other provision of this article, junkyards, scrap metal processing facilities, and automobile dismantling facilities may be established, operated or maintained within areas adjacent to any highway included in the national system of interstate and defense highways or the federal-aid primary highway system which are within 1,000 feet of the nearest edge of the right-of-way if they are zoned industrial or if the junkyard, scrap metal processing facility, or automobile dismantling facility is located in unzoned industrial areas as determined by the department; provided, that the department is authorized to screen junkyards, scrap metal processing facilities, and automobile dismantling facilities located within such industrial zones or unzoned industrial areas so as not to be visible from the main traveled way of such highways if the director finds that such screening is necessary or desirable for the purposes set forth in subdivision (a) of Section 745. The director's determination as to what constitutes an unzoned industrial area shall be subject to approval by the Secretary of Commerce of the United States.

750. Any junkyard, scrap metal processing facility, or automobile dismantling facility in existence on the effective date of this section which does not conform to the requirements of this article and which the director finds as a practical matter cannot be screened, shall be relocated, removed, or disposed of by July 1, 1970. Such finding shall be subject to approval by the Secretary of Commerce of the United States.

751. The department is authorized to acquire such interests in real property as may be necessary to effect the screening, relocation, removal, or disposal of junkyards, scrap metal processing facilities, and automobile dismantling facilities required by the provisions of this article.

752. If federal law should be interpreted as requiring the states to pay just compensation with regard to the relocation, removal, or disposal of junkyards, scrap metal processing facilities, and automobile dismantling facilities, just compensation shall be paid by the department to the owners of junkyards, scrap metal processing facilities, and automobile dismantling facilities which must be relocated, removed, or disposed of pursuant to the provisions of this article and which fall into the following categories:

(a) Those lawfully in existence on the effective date of this section; and

(b) Those lawfully established on or after the effective date of this section.

753. The cost of all screening outside the highway right-of-way done pursuant to Sections 748 and 749 and the payment of just compensation made pursuant to Section 752 shall be paid from money in the State Highway Fund derived from the motor vehicle transportation license tax imposed pursuant to Part 4 (commencing with Section 9601) of Division 2 of the Revenue and Taxation Code. The commission may, from time to time, transfer to the special account in the State Highway Fund established pursuant to Section 759.1 such amounts of said money in the State Highway Fund as it deems necessary to carry out the provisions of this section.

754. Any junkyard, scrap metal processing facility, or automobile dismantling facility which is established or maintained in violation of the provisions of this article or the regulations prescribed thereunder is a public nuisance and may be removed or otherwise disposed of by any public employee or entity.

755. The director may screen, relocate, remove or dispose of any junkyard, scrap metal processing facility, or automobile dismantling facility, or portion thereof, which is established or maintained in violation of the provisions of this article or the regulations prescribed thereunder, after 30 days' written notice posted on such property and a copy forwarded by mail to the owner of such junkyard, scrap metal processing facility, or automobile dismantling facility at his last-known address. The department shall have an action to recover the expense of such screening, relocating, removing or disposing, costs and expenses of suit, and, in addition thereto, the sum of one hundred dollars ($100) for each day such junkyard, scrap metal processing facility, or automobile dismantling facility, or portion thereof, remains in violation after the expiration of 30 days from the time of forwarding such written notice.

For the purposes of this section, the director or his authorized agent may enter upon private property.

All costs incurred under this section in screening, relocating, removing or disposing of such junkyards, scrap metal processing facilities, and automobile dismantling facilities shall be the responsibility of the owners thereof.

756. Every person, as principal, agent or employee, violating any of the provisions of this article or the regulations prescribed thereunder is guilty of a misdemeanor.

757. The remedies provided in this article for the removal of junkyards, scrap metal processing facilities, and automobile dismantling facilities are cumulative and not exclusive of any other remedies provided by law.

758. The director may enter into agreements with the Secretary of Commerce of the United States and accept any allotment of funds as provided by Section 136 of Title 23 of the United States Code.

759. The director shall prescribe and enforce regulations governing the establishment, screening, relocation, removal, or disposal of junkyards, scrap metal processing facilities, and automobile dismantling facilities as provided in this article consistent with the provisions of Section 136 of Title 23 of the United States Code and the national standards promulgated thereunder by the Secretary of Commerce; provided, that the director shall not prescribe regulations to conform to changes in federal law or regulations made after the effective date of the enactment of this section at the 1966 First Extraordinary Session of the Legislature, without prior legislative approval.

759.1. All money received by the state from the United States (except for money received to reimburse the department for the costs of screening junkyards, scrap metal processing facilities, and automobile dismantling facilities from within the highway right-of-way) pursuant to Section 136 of Title 23 of the United States Code shall be deposited in a special account in the State Highway Fund.

759.2. The expense of administering this article is under the control of the director. All money paid into the special account in the State Highway Fund pursuant to this article is continuously appropriated without regard to fiscal years for the administration and enforcement of this article and for payment of compensation pursuant to Section 752, for the costs of screening outside the highway right-of-way done pursuant to Sections 748 and 749, and for transfers to the portion of the State Highway Fund available for construction of state highways in amounts equal to the amounts transfered therefrom to the special account pursuant to Section 753 and expended for the purposes of this article. Upon the order of the director, the Controller shall, without the approval of any board, draw his warrant upon the Treasurer for the amount specified and in favor of the person designated in the order. The Controller shall also account for the receipts and disbursements of all money paid into the State Highway Fund pursuant to this article. For the purpose of recording by the Controller of such receipts and disbursements, the department shall furnish to the Controller with claims and remittances or by subsequent reports the information necessary to maintain such accounts of money paid into the State Highway Fund pursuant to this article.

The director shall, within 90 days after the close of each fiscal year, file with the Department of Finance and the Controller an annual report of all revenues and expenditures pertaining to this article.

759.3. It is declared to be the intent of the Legislature in enacting this article to establish minimum standards with respect to the regulation of outdoor junkyards, scrap metal processing facilities, and automobile dismantling facilities. The governing body of any city, county, or city and county may enact ordinances, including, but not limited to, land use or zoning ordinances, imposing restrictions on junkyards, scrap metal processing facilities, and automobile dismantling facilities equal to or greater than those imposed by this article.

SEC. 2. Chapter 9 (commencing with Section 895) is added to Division 1 of the Streets and Highways Code, to read:

CHAPTER 9. SCENIC AREAS

895. If federal funds are available for reimbursement therefor, the department may acquire, either in fee or in any lesser estate or interest, real property adjacent to any highway included in the national system of interstate and defense highways or the federal-aid primary highway system, which the department considers necessary for the preservation, maintenance or conservation of scenic lands or areas adjacent to such highways or which it considers necessary to preserve, improve or enhance the scenic beauty of or points of interest in the lands or areas traversed by such highways. Nothing in this section shall authorize the use of eminent domain to acquire any dwelling or any building or other enclosure, and the appurtenances thereto, in which commercial activities are conducted.

896. The Legislature hereby declares that the acquisition of interests in real property for the preservation, maintenance or conservation of scenic lands or areas adjacent to any highway included in the national system of interstate and defense highways or the federal-aid primary highway system or to preserve, improve or enhance the natural beauty of points of interest in the lands or areas traversed by such highways provided for in Section 895 constitutes a public use and purpose.

897. The department may convey or lease such property back to its original owner or to another person or entity in the manner and subject to such reservations, conditions, covenants or other contractual arrangements approved by the commission as will preserve the scenic character or beauty of the area traversed by the highway.

SEC. 3. The department shall submit a report to the Legislature at the 1967 Regular Session of the Legislature, not later than January 2, 1967, as to the progress made and the program developed for the acquisition of scenic areas adjacent to highways included in the national system of interstate and

defense highways or the federal-aid primary highway system. The department shall develop criteria and standards for the acquisition of such scenic areas, which criteria and standards shall be included in the report to the Legislature. The department shall not commence any eminent domain proceeding in a court of law to acquire property pursuant to Section 895 of the Streets and Highways Code prior to January 2, 1967.

CHAPTER 126

An act to amend Sections 74341 and 74343.3 of the Government Code, relating to municipal courts.

[Approved by Governor June 16, 1966. Filed with Secretary of State June 16, 1966]

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

SECTION 1. Section 74341 of the Government Code is amended to read:

74341. There shall be 19 judges.

SEC. 2. Section 74343.3 of the Government Code is amended to read:

74343.3. In the event that the board of supervisors consolidates the National Judicial District and the Coronado Judicial District with the San Diego Judicial District, there shall be one judge in addition to the number specified by Section 74341 who shall take office on the effective date of the ordinance providing for the consolidation.

CHAPTER 127

An act to repeal Section 7 of Chapter 1186, Statutes of 1965, relating to courts.

[Approved by Governor June 16, 1966. Filed with Secretary of State June 16, 1966]

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

SECTION 1. Section 7 of Chapter 1186, Statutes of 1965 is repealed.

CHAPTER 128

An act to amend Sections 73663 and 73666 of the Government Code, relating to Eureka Judicial District employees.

[Approved by Governor June 16, 1966. Filed with Secretary of State June 16, 1966.]

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

SECTION 1. Section 73663 of the Government Code is amended to read:

73663. The clerk may appoint, with the approval of the judge, one chief deputy clerk, three deputy clerks III, one deputy clerk II, and five deputy clerks I.

SEC. 2. Section 73666 of the Government 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	$530	$556	$584	$613	$644
Chief deputy clerk	395	415	436	458	481
Deputy clerk III	385	405	425	447	469
Deputy clerk II	349	367	385	405	425
Deputy clerk I	333	349	367	385	405
Marshal	584	613	644	676	710
Deputy marshal	458	481	505	530	556
Senior clerk-typist-matron	385	405	425	447	469

CHAPTER 129

An act to amend Sections 20015, 20021.5, 20022, 20023, 20028, 20034, 20043, and 20045 of, and to add Section 20015.1 to, of the Education Code, relating to junior college capital expenditures.

[Approved by Governor June 27, 1966. Filed with Secretary of State June 27, 1966.]

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

SECTION 1. Section 20015 of the Education Code is amended to read:

20015. "Project" means the purpose for which a junior college district has applied for assistance under this chapter for one or more institutions under its authority or for district-

wide facilities. A project may include the acquisition and improvement of junior college sites, the planning, construction, reconstruction, or remodeling of any permanent structure necessary for use as a classroom, laboratory, library, related facilities necessary for the instruction of students or for administration of the educational program, maintenance or utility facilities essential to the operation of the foregoing facilities, and the initial acquisition of equipment. A project shall not include the planning or construction of dormitories, student centers other than cafeterias, stadia, the improvement of site for student or staff parking, or single-purpose auditoriums.

SEC. 2. Section 20015.1 is added to said code, to read:

20015.1. "Application" means the submission of a request by a junior college district for assistance under this chapter. An application may be made for one or more projects.

SEC. 3. Section 20021.5 of said code is amended to read:

20021.5. "Federal funds" means construction and equipment moneys provided by the federal government pursuant to the Higher Education Facilities Act of 1963 to a junior college district for a project.

SEC. 4. Section 20022 of said code is amended to read:

20022. "District entitlement" shall be computed for each junior college district for the 1967–1968 fiscal year based upon estimated growth in weekly student contact hours during that year. The entitlement shall be computed by multiplying one-half of the "average cost of providing junior college facilities" for the district by the "relative district ability," and multiplying this product by the "growth in weekly student contact hours" of "resident students" for the district for the fiscal year, which shall be called the minimum district share, and this minimum district share shall be subtracted from the "cost of providing junior college facilities" for the district. The remainder shall be called the district entitlement.

SEC. 5. Section 20023 of said code is amended to read:

20023. "District entitlement" shall be computed for each junior college district beginning with the 1968–69 fiscal year based upon the estimated growth in weekly student contact hours during that year. The entitlement shall be computed by multiplying one-half of the "average cost of providing junior college facilities" for the district by the "relative district ability," and multiplying this product by the "growth in weekly student contact hours," of "resident students" for the district for the fiscal year, which shall be called the minimum district share, and shall be subtracted from the "cost of providing junior college facilities" for the district, which remainder shall be called the district entitlement.

SEC. 6. Section 20028 of said code is amended to read:

20028. The department shall transmit to each junior college district not later than August 15 of each year a notice of the amount of district entitlement computed for the district

for that year pursuant to Section 20022 or 20023 and the amount of district accumulated growth in weekly student contact hours for which no application has been submitted pursuant to Section 20023 for any prior years, the amount of funds allocated to the district pursuant to approved applications, and the amount of funds requested by the district in pending applications.

SEC. 6.5. Section 20034 of said code is amended to read:

20034. On or before the 1st of November of 1966, and the 1st of November of each succeeding year, pertinent data on each application for state assistance for a project submitted for funds subject to district entitlement as stated in Section 20023, that has been approved by the Department of Education, and the preliminary plans, outline specifications, and preliminary plans cost estimates developed by the district architect shall be transmitted to the Department of Finance. The Department of Education on or before the 1st of December of 1966, and each succeeding year, will transmit to the Department of Finance its recommendations regarding the final list of approved applications. The projects transmitted shall be considered for inclusion in the Governor's Budget for the fiscal year starting on the succeeding July 1.

SEC. 7. Section 20043 of said code is amended to read:

20043. Each project for which an appropriation is made shall be financed with both local and state funds. Federal funds shall not be used to match state funds for any project which a junior college district has applied for assistance under this chapter. The ratio of state funds to local property tax funds for each project shall be computed under Section 20022 or 20023, whichever is applicable. Entitlements shall be accumulated in terms of growth, in weekly student contact hours beginning with the computation of a district entitlement in Section 20023 and when a district has not made application for a project in the year or years for which an entitlement is computed. The ratio of state to local funds shall be the same as the average of the ratios computed under Sections 20022 and 20023 for each year.

SEC. 8. Section 20045 of said code is amended to read:

20045. In the event an existing junior college district is included in a newly formed junior college district, any unused funds for which application has been submitted and allocated to the existing district or growth in weekly student contact hours which has not been used by the existing district shall be transferred to the newly formed district on the date the newly formed district is effective for all purposes. Whenever the governing board of the existing district and the governing board of the newly formed district agree, such allocated funds or accumulated growth in weekly student contact hours may be transferred prior to the date the newly formed district is effective for all purposes.

SEC. 9. It is the intent and purpose of the Legislature that the changes in law effected by this act shall be effective retroactively to April 1, 1966.

SEC. 10. The amendments to Sections 20022 and 20023 of the Education Code effected by Sections 4 and 5, respectively, of this act shall remain in effect only until June 30, 1967.

CHAPTER 130

An act to amend Section 30775 of the Streets and Highways Code, relating to the San Francisco-Oakland Rapid Transit Tube.

[Approved by Governor June 27, 1966. Filed with Secretary of State June 27, 1966.]

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

SECTION 1. Section 30775 of the Streets and Highways Code is amended to read:

30775. The authority shall issue revenue bonds pursuant to the California Toll Bridge Authority Act (Chapter 1 (commencing with Section 30000) of this division) in an amount sufficient to provide funds, which, together with all moneys theretofore advanced by the authority to the district in aid of the financing of the rapid transit tube and the approaches thereto, shall not exceed an aggregate principal amount of one hundred eighty million dollars ($180,000,000) for the construction of the rapid transit tube and the department shall construct the rapid transit tube, it having been determined that prior to November 30, 1963, the voters of the district did approve the issuance of general obligation bonds of the district for the construction of a regional rapid transit system.

CHAPTER 131

An act to amend Section 186.95 of the Streets and Highways Code, relating to emergency funds available for the repair, restoration and replacement of highways, roads, and streets damaged or destroyed by storm or flood conditions or other disasters, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1966. Filed with Secretary of State June 27, 1966.]

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

SECTION 1. Section 186.95 of the Streets and Highways Code is amended to read:

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

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

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

(b) The money in the fund including the money received from the federal government as reimbursement to any city or county for the repair or restoration of any street, road or bridge which has been or will be repaired or restored in part or in whole by funds allocated pursuant to this section shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law for the repair or restoration of any local street, road or bridge damaged or destroyed by any disaster to present-day standards such as those referred to in Section 186.8 of this code, and to accommodate present traffic; and the use of such money shall not be limited to the repair or restoration of streets, roads or bridges damaged or destroyed by storm and flood or flood conditions; provided, that no such money shall be allocated for expenditure in connection with any disaster, except the damage or destruction to local streets, roads or bridges damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965, unless and until specifically authorized by the Legislature.

(c) The money in the fund received from the federal government as reimbursement to the state for the repair or restoration of any state highway which has been or will be repaired or restored in part or in whole by funds transferred to the State Highway Fund pursuant to subdivision (b) of Section 186 9 or by funds expended pursuant to this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation by the California Highway Commission and expenditure by the Department of Public Works for the repair or restoration of any state high-

way damaged or destroyed by any disaster to present-day standards and to accommodate present traffic.

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

(e) If the Department of Finance determines the cash balance of the money in the fund under subdivision (b) of this section is temporarily insufficient to make payments for purposes authorized under subdivision (b), and the Department of Public Works determines the cash balance of the money in the fund under subdivision (c) in an amount not to exceed five hundred thousand dollars ($500,000) is not needed for immediate use for the purposes specified therein, the Department of Finance may transfer such amount to subdivision (b) for expenditure pursuant to that subdivision; provided, however, that such transfer shall not be made until the Department of Public Works and the Department of Finance have entered into an agreement providing that the Department of Finance, upon receipt of written demand from the Department of Public Works, shall repay all such amounts by transfer of money in the fund under subdivision (b) to subdivision (c) within a period of not to exceed six months in such installments as may be agreed to by the Department of Public Works and the Department of Finance.

(f) Notwithstanding any other provision of this section, money in the fund under subdivision (b) may be allocated by the State Allocation Board for expenditure pursuant to Section 54155 of the Government Code.

SEC. 2. The money in the Street and Highway Disaster Fund under subdivision (b) of Section 186.95 of the Streets and Highways Code shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law for the repair or restoration of any local street, road, or bridge damaged or destroyed by storm and flood or flood conditions occurring between November 1, 1965 and June 30, 1966; provided, that the local agency has applied to the State Allocation Board for an allocation of funds on or before October 1, 1966.

SEC. 3. Whenever the Department of Finance determines that a local agency which would otherwise be eligible for an allocation under the formula of Section 54157 of the Govern-

ment Code is unable to finance the work due to exhaustion of its financial resources because of disaster expenditures, the State Allocation Board may allocate funds available pursuant to Section 2 of this act to pay such portion of the cost of repairing, restoring, or replacing the streets, roads and bridges of such local agency as the department has determined is necessary to accomplish such work; provided, that the amount contributed by each local agency shall not be reduced to less than an amount of money equal to the amount allocated to such local agency for the 1964–65 fiscal year pursuant to subdivision (b) of Section 2110 of the Streets and Highways Code; and provided, further, that if the local agency is a county, the Department of Finance, in determining whether the county's financial resources are exhausted, shall ascertain whether the county has levied, during the then current year, the maximum property tax for highway purposes authorized by Section 1550 of the Streets and Highways Code in the road district in which the work is proposed, and if such tax is being levied at less than the maximum rate authorized by Section 1550, the amount to be allocated by the State Allocation Board under this section shall be reduced by an amount equivalent to the difference between the revenue derived from the property tax being levied for highway purposes in such road district and the revenue which would have been derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes, amounts to be received from other taxes levied by that county and used for road purposes shall be included.

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:

Recent storms and floods occurring in various areas of the state have caused severe damage and destruction to essential highways, roads and bridges. These highways, roads and bridges, in many cases, constitute the sole means of transportation in these areas. In order that the economy of the areas be maintained, it is necessary that funds be made available at once for the restoration of such highways, roads and bridges. It is, therefore, essential that this act go into effect immediately.

CHAPTER 132

An act to add Section 263.4 to the Streets and Highways Code, relating to state scenic highways.

[Approved by Governor June 27, 1966. Filed with Secretary of State June 27, 1966.]

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

SECTION 1. Section 263.4 is added to the Streets and Highways Code, to read:

263.4. The state scenic highway system shall also include State Highway Route 68 from Monterey to Route 101 near Salinas.

CHAPTER 133

An act to amend Section 73601 of the Government Code, relating to courts.

[Approved by Governor June 27, 1966. Filed with Secretary of State June 27, 1966.]

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

SECTION 1. Section 73601 of the Government Code is amended to read:

73601. There shall be three judges.

CHAPTER 134

An act making an appropriation to provide assistance to certain school districts impacted by the influx of seasonal agricultural workers and their families, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1966. Filed with Secretary of State June 27, 1966.]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the State Department of Education the sum of five hundred thousand dollars ($500,000), or so much thereof as may be necessary, to be apportioned by the Superintendent of Public Instruction as emergency financial grants to school districts.

SEC. 2. The moneys appropriated by Section 1 shall be provided only for the purpose of, and in amounts necessary to meet, financial emergencies confronting school districts as a result of influxes of large numbers of seasonal agricultural

workers and their families. The funds shall be expended for the employment of additional teachers and related current expenses by the school districts which bear the impact of such influxes of large numbers of seasonal agricultural workers and whose fiscal resources are otherwise inadequate to provide or maintain educational programs for the greatly increased enrollments which will occur during the period between April 15, 1966, and June 30, 1966.

SEC. 3. The Legislature hereby finds and declares that the circumstances described in Section 2, involving influxes of seasonal agricultural workers and the increases in school enrollments resulting therefrom, impose upon the affected school districts the responsibility of providing, on an emergency basis, educational services to large numbers of additional pupils, many of whom live in an environment of economic and cultural disadvantage and poverty. The Legislature further finds and declares that these circumstances render the affected districts areas of acute poverty, and form an adequate basis for affording them state subventions for the employment of additional teachers and to meet related expenses required to provide educational programs for the additional pupils involved.

SEC. 4. The amounts to be apportioned and disbursed as emergency financial grants to a school district from the moneys appropriated by this act may equal the total of: (1) the estimated additional amounts which would have been allowed to the district from the State School Fund in the 1965–1966 fiscal year had the Second Principal Apportionment, under the provisions of Section 17407 of the Education Code, been computed on the basis of the several categories of attendance for the period of time between July 1 and June 30 of the fiscal year 1965–1966, and (2) any other emergency amounts necessary, as determined pursuant to Section 6.

SEC. 5. The Superintendent of Public Instruction shall reduce the allowances and apportionments to be made to a school district from the State School Fund in the 1966–1967 fiscal year, by an amount equal to the apportionments and disbursements made to the district pursuant to subdivision (1) of Section 4 of this act; provided that no such reduction shall be made in amounts allowable to the district as basic state aid.

With respect to any district which receives only basic state aid in support of the foundation program during the fiscal year 1965–1966 or the fiscal year 1966–1967, the Superintendent of Public Instruction shall reduce any allowances and apportionments to be made to the district by the total of the amounts apportioned pursuant to Section 4.

SEC. 6. The Superintendent of Public Instruction shall make the apportionments to school districts on the basis of applications therefor, and in the amounts necessary for purposes of this act as determined by review and analysis of the district's fiscal and budgetary situation.

The Superintendent of Public Instruction shall have all powers necessary to effectuate this act.

SEC. 7. Disbursement of moneys apportioned to school districts under this act shall be by warrant of the State Controller drawn upon order of the Superintendent of Public Instruction.

SEC. 8. The provisions of this act shall remain in effect until the 91st day after the adjournment of the 1967 Regular Session of the Legislature, and shall have no force or effect after that date.

SEC. 8.5. Nothing in this act shall be construed to sanction, perpetuate or promote the social or ethnic segregation, or the segregation by economic class, of pupils in the public schools.

SEC. 9. 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:

As a result of the curtailment of the programs for recruitment and utilization of foreign nationals in agricultural employment, it has become necessary for agricultural employers to recruit and employ increased numbers of domestic workers for seasonal work. Many of these domestic workers will enter agricultural communities for this seasonal work from other states and other localities within California, and will be accompanied by families, which will result in drastic increases in school enrollments for temporary periods. It is anticipated that major such increases in enrollments will occur between April 15th and June 30th of this school year. State School Fund apportionments for enrollment peaks which occur during this period are, under present law, deferred until the succeeding school year. Many school districts will be affected by the impact of this influx of seasonal agricultural workers and the necessity of providing educational services on an emergency basis for the large numbers of additional pupils, most of whom live in environments of economic and cultural disadvantage and poverty. Districts so affected will be unable to employ the necessary additional teachers and finance the necessary supplemental expenses involved, unless the urgently needed assistance provided by this act is made immediately available.

CHAPTER 135

An act to amend Sections 50016, 50704, 50731, 50731.5, 50753, and 51366 of, to amend and renumber Section 51360 of, and to add Section 51360 to, the Water Code, relating to reclamation districts.

[Approved by Governor June 27, 1966. Filed with Secretary of State June 27, 1966.]

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

SECTION 1. Section 50016 of the Water Code is amended to read:

50016. "Voter" means a landowner or the legal representative of a landowner, or if the district uses the alternate tax procedure under Article 4 (commencing with Section 51360) of Chapter 2 of Part 7 of this division for the levying of a special tax on all taxable land and improvements, then "voter" means the owner of taxable land or land and improvements as shown on the last equalized tax roll of any county in which the lands of the district are situated.

SEC. 2. Section 50704 of the Water Code is amended to read:

50704. Each landowner or legal representative in the district may vote at any election in person or by proxy, and may cast one vote for each dollar's worth of real estate owned by him or his principal in the district, as determined from the last equalized tax roll of each county in which the lands of the district are situated provided, however, that when a district elects to have the board of supervisors levy a special tax on behalf of the district on all taxable land and improvements pursuant to Article 4 (commencing with Section 51360) of Chapter 2 of Part 7 of this division, then each owner of taxable land or land and improvements in the district, or his legal representative, may vote at any district election in person or by proxy, and may cast one vote for each dollar's worth of taxable land and improvements owned by him or his principal in the district, as determined from the last equalized tax roll of each county in which the lands of the district are situated.

SEC. 3. Section 50731 of the Water Code is amended to read:

50731. Upon receipt of a recommendation of the board of trustees or of a verified petition of 20 percent of the voters who, together, own at least 20 percent in value of the lands in the district, as determined from the next preceding tax roll of the county, the board of supervisors shall appoint a time, not less than 75 days nor more than 90 days after receipt of the petition, and place for holding the election.

SEC. 4. Section 50731.5 of the Water Code is amended to read:

50731.5. Nominations for the office of trustee shall be made by petition of five or more qualified voters filed with the secretary not earlier than 75 days nor later than 12 o'clock on the 54th day before the election. Notice shall be published by the secretary that such petitions may be received at least seven days prior to the final date for receiving petitions.

SEC. 5. Section 50753 of the Water Code is amended to read:

50753. Each voter may cumulate his votes, and give one candidate a number of votes equal to the number of trustees to be elected multiplied by the number of votes he is entitled to cast, or to distribute them on the same principle among any number of candidates.

SEC. 6. Section 51360 of the Water Code is amended and renumbered to read:

51360.5. Whenever the board proceeds in accordance with this article, it shall furnish to the board of supervisors, or if district lands are located in more than one county, the board shall furnish to the board of supervisors of each such county, on or before the date set for consideration of the budget, an estimate in writing of the amount of money needed for payment of maintenance, repair, operation, incidental expenses, and supplemental construction and replacement expenses by the district in lieu of levying an operation and maintenance assessment as provided in Article 3 (commencing with Section 51320) of this chapter.

SEC. 7. Section 51360 is added to the Water Code, to read:

51360. On or before December 31st of any year, the board may by resolution elect to proceed under this article for the levy, collection and enforcement of operation and maintenance assessments, and thereafter until termination of such election the provisions of this article and no other shall apply. The board by resolution may at any time on or before December 31st of any year terminate its election to proceed under this article, and thereafter the provisions of this article shall no longer apply. The adoption of either resolution shall not, however, affect the basis for voting at a district election held in the succeeding year. On or before January 1st following the adoption of either of said resolutions, a certified copy thereof shall be filed with the auditor, assessor, tax collector and treasurer of each county within which a district is located and with the State Board of Equalization. There shall also be filed with the county assessor and the State Board of Equalization a map or plat indicating the boundaries of the district as required by Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

SEC. 8. Section 51366 of the Water Code, as proposed to be added by Senate Bill No. 52 of the 1966 First Extraordinary Session, is amended to read:

51366. If the board, when furnishing to the board of supervisors the estimate referred to in Section 51360.5,

specifies that the special tax is to be levied on taxable land only, the board of supervisors shall levy the special tax on taxable land only. In such case, the term "taxable land and improvements thereon," as used in this article, shall be deemed to refer to taxable land only.

CHAPTER 136

An act to add Section 19560.5 to the Education Code, relating to the acquisition of land by school districts.

[Approved by Governor June 27, 1966 Filed with Secretary of State June 27, 1966]

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

SECTION 1. Section 19560.5 is added to the Education Code, to read:

19560.5. A leasehold or use permit interest held by a school district in land owned in fee simple by the government of the United States may, for all purposes of this chapter, be deemed a purchase of land by the district and to vest title and ownership in the district.

CHAPTER 137

An act making an appropriation for loans to aid in prevention and control of Lake Tahoe water pollution.

[Approved by Governor June 27, 1966 Filed with Secretary of State June 27, 1966.]

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

SECTION 1. The sum of two million dollars ($2,000,000) is hereby appropriated from the Water Pollution Control Fund, from money deposited therein pursuant to Section 12.2 of Chapter 138, Statutes of 1964, First Extraordinary Session, to the State Water Quality Control Board for expenditure, without regard to fiscal years, for loans to the North Tahoe Public Utility District and the Tahoe City Public Utility District of such amounts as the board determines is necessary, together with other funds available for such purpose, to permit each district to construct necessary sewage and storm drainage facilities to prevent and control water pollution in the north Lake Tahoe area served by said districts.

SEC. 2. No part of the appropriation made by this act shall be available for loans to either the North Tahoe Public Utility District or the Tahoe City Public Utility District unless:

(a) Both the North Tahoe Public Utility District and the Tahoe City Public Utility District execute an agreement with

the State Water Quality Control Board under which each agrees to repay the amount of its loan, with interest, within 25 years following a 10-year moratorium on principal payments, and with the interest to be at a rate equal to the average, as determined by the board, of the net-interest costs to the state on the sales of general obligation bonds of the state that occurred during the calendar year immediately preceding the calendar year in which the interest falls due, during the moratorium on principal payments, with interest thereafter to be payable at the last rate applied during the moratorium; provided, that when the applicable average of the net-interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net-interest costs.

(b) The North Tahoe Public Utility District and the Tahoe City Public Utility District have issued, or the voters of the districts have approved the issuance of, bonds in the aggregate amount, between the two districts, of not less than one million four hundred thousand dollars ($1,400,000), to finance facilities to construct necessary sewage and storm drainage facilities to prevent and control water pollution in the north Lake Tahoe area served by said districts.

(c) The North Tahoe Public Utility District or the Tahoe City Public Utility District has annexed the entire service area of the proposed facilities between the existing western boundary of the North Tahoe Public Utility District and the eastern boundary of the Tahoe City Public Utility District at Dollar Point

SEC. 3. The State Water Quality Control Board shall require the procedure, forms, and the submission of any information from the North Tahoe Public Utility District and the Tahoe City Public Utility District it may deem necessary or appropriate.

SEC. 4. All money received in repayment of loans under this act shall be paid to the State Treasurer and credited to the Water Pollution Control Fund, to be available, when appropriated by the Legislature, for capital outlay expenditures for works to prevent and correct water pollution.

CHAPTER 138

An act to add Sections 13353 and 13354 to the Vehicle Code, relating to drunk driving.

[Approved by Governor June 30, 1966. Filed with Secretary of State June 30, 1966]

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

SECTION 1. Section 13353 is added to the Vehicle Code, to read:

13353. (a) Any person who drives a motor vehicle upon a highway shall be deemed to have given his consent to a chemical test of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor. The test shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable cause to believe such person was driving a motor vehicle upon a highway while under the influence of intoxicating liquor. Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of six months.

The person arrested shall have the choice of whether the test shall be of his blood, breath or urine.

Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent and such tests may be administered whether or not such person is told that his failure to submit to the test will result in the suspension of his privilege to operate a motor vehicle.

(b) If any such person refuses the officer's request to submit to a chemical test, the department, upon receipt of the officer's sworn statement that he had reasonable cause to believe such person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor and that the person had refused to submit to the test after being requested by the officer, shall suspend his privilege to operate a motor vehicle for a period of six months. No such suspension shall become effective until 10 days after the giving of written notice thereof, as provided for in subdivision (c).

(c) The department shall immediately notify such person in writing of the action taken and upon his request in writing and within 15 days from the date of receipt of such request shall afford him an opportunity for a hearing in the same manner and under the same conditions as provided in Article 3 (commencing with Section 14100) of Chapter 3 of this division. For the purposes of this section the scope of the hearing shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor, whether the person was placed under arrest, whether he refused to submit to the test after being requested by a peace officer, and whether, except for the persons described in paragraph (a) above who are incapable of refusing, he had been told that his driving privilege would be suspended if he refused to submit to the test.

An application for a hearing made by the affected person within 10 days of receiving notice of the department's action shall operate to stay the suspension by the department for a period of 15 days during which time the department must afford a hearing. If the department fails to afford a hearing

within 15 days, the suspension shall not take place until such time as the person is granted a hearing and is notified of the department's action as hereinafter provided. However, if the affected person requests that the hearing be continued to a date beyond the 15-day period, the suspension shall become effective immediately upon receipt of the department's notice that said request for continuance has been granted.

If the department determines upon a hearing of the matter to suspend the affected person's privilege to operate a motor vehicle, the suspension herein provided shall not become effective until five days after receipt by said person of the department's notification of such suspension.

(d) Any person who is afflicted with hemophilia shall be exempt from the blood test required by this section.

(e) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a physician and surgeon shall be exempt from the blood test required by this section.

(f) A person lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor may request the arresting officer to have a chemical test made of the arrested person's blood, breath or urine for the purpose of determining the alcoholic content of such person's blood, and, if so requested, the arresting officer shall have the test performed.

SEC. 2. Section 13354 is added to said code, to read:

13354. (a) Only a physician, registered nurse or duly licensed clinical laboratory technologist or clinical laboratory technician acting at the request of a peace officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath specimens.

(b) The person tested may, at his own expense, have a physician, registered nurse, duly licensed clinical laboratory technologist or clinical laboratory technician or any other person of his own choosing administer a test, in addition to any administered at the direction of a peace officer, for the purpose of determining the amount of alcohol in his blood at the time alleged as shown by chemical analysis of his blood, breath or urine. The failure or inability to obtain an additional test by a person shall not preclude the admissibility in evidence of the test taken at the direction of a peace officer.

(c) Upon the request of the person tested full information concerning the test taken at the direction of the peace officer shall be made available to him or his attorney.

(d) No physician, registered nurse or duly licensed clinical laboratory technologist or clinical laboratory technician shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a peace officer to administer such a test.

(e) If the test given under Section 13353 is a clinical test of urine, the person tested shall be given such privacy in the

taking of the urine specimen as will insure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved.

(f) The Department of the California Highway Patrol, in cooperation with the Department of Public Health or any other appropriate agency, shall adopt uniform standards for the giving of blood alcohol tests.

CHAPTER 139

An act to amend Sections 6418 and 6419 of, and to add Section 6420 to, the Labor Code, relating to air pollution control.

[Approved by Governor June 30, 1966. Filed with Secretary of State June 30, 1966]

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

SECTION 1. Section 6418 of the Labor Code is amended to read:

6418. It shall be the duty of the division to determine by February 1, 1967, the maximum allowable standards of emissions of contaminants from portable and from mobile internal combustion engines used inside factories, manufacturing plants, warehouses, buildings and other enclosed structures, which standards are compatible with the safety of employees.

The standards shall be developed after the division has held public hearings and afforded an opportunity for all interested persons to appear and file statements or be heard. The division shall publish such notice of the hearings as it determines to be reasonably necessary.

The division after notice and hearing may revise the standards, and shall publish the revised standards, from time to time.

SEC. 2. Section 6419 of the Labor Code is amended to read:

6419. All portable and all mobile internal combustion engines that are used inside factories, manufacturing plants, warehouses, buildings and other enclosed structures shall be equipped with a certified exhaust purifier device after the certification of such a device by the Motor Vehicle Pollution Control Board.

The Division of Industrial Safety shall be responsible for the enforcement of the provisions of this section.

SEC. 3. Section 6420 is added to the Labor Code, to read:

6420. Sections 6418 and 6419 shall apply to all portable and all mobile internal combustion engines used inside factories, manufacturing plants, warehouses, buildings and other enclosed structures unless the operation of such an engine used inside a particular factory, plant, warehouse, building

or enclosed structure does not result in harmful exposure to concentrations of dangerous gases or fumes in excess of maximum acceptable concentrations as determined by the division.

CHAPTER 140

An act to add Section 426.3 to the Health and Safety Code, relating to air pollution control.

[Approved by Governor June 30, 1966 Filed with Secretary of State June 30, 1966.]

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

SECTION 1. Section 426.3 is added to the Health and Safety Code, to read:

426 3. The State Department of Public Health shall by February 1, 1967, define and publish criteria concerning the levels, duration, and frequency of occurrence of contaminants in the atmosphere, including those contaminants emitted from motor vehicles, which, if occurring in the atmosphere of any area in this state, will pose a substantial threat to the public health, including irritation to the senses or will interfere with visibility or damage vegetation.

The criteria 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 criteria, and shall publish the revised criteria, from time to time.

CHAPTER 141

An act to add Section 13868 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor June 30, 1966 Filed with Secretary of State June 30, 1966.]

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

SECTION 1. Section 13868 is added to the Education Code, to read:

13868. The Teachers' Retirement Board of the State Teachers' Retirement System shall file annually with the Governor and with the Senate and Assembly a report on all phases of its work which could affect the need for public contributions for costs of administration of the system, including the subjects of benefits, programs, practices, procedures, and any

comments on trends and developments in the field of retirement. Such report shall be filed with the Governor at least 30 days prior to the first day of each regular session of the Legislature and shall be filed with the Senate and Assembly within the first five days of each regular session.

CHAPTER 142

An act to amend Sections 15505 and 21701 of the Education Code, relating to school buildings.

[Approved by Governor June 30, 1966 Filed with Secretary of State July 1, 1966]

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

SECTION 1. Section 15505 of the Education Code is amended to read:

15505. If the district has not sufficient funds available to permit the governing board of the district to proceed with the repair, reconstruction, or replacement of the building, the governing board may after receiving the report of the examination of the building order the county superintendent of schools to call an election at which there shall be submitted to the qualified electors of the district three propositions, as follows:

(a) (1) Authorization of bonds of the district in an amount sufficient, as shown by the estimate, to provide funds for the repair, reconstruction, or replacement of the building; or

(2) Authorization of bonds of the district in an amount sufficient as shown by an estimate obtained by the district to construct new school facilities on the site of the unfit building or on another site.

(b) Authorization of the increase of the maximum tax rate of the district for such length of time as will permit raising sufficient funds by district taxation for the repair, reconstruction, or replacement of the building.

(c) Abandonment of the building and use of tents or other temporary structures for school purposes in lieu of the building abandoned.

SEC. 2. Section 21701 of the Education Code is amended to read:

21701. Except as otherwise provided by law, the governing board of any school district may, when in its judgment it is advisable, and shall, upon a petition of the majority of the qualified electors residing in the school district, order the county superintendent of schools to call an election and submit to the electors of the district the question whether the bonds of the district shall be issued and sold for the purpose of raising money for the following purposes:

(a) The purchasing of school lots.

(b) The building or purchasing of school buildings.

(c) The making of alterations or additions to the school building or buildings other than such as may be necessary for current maintenance, operation, or repairs.

(d) The repairing, restoring, or rebuilding of any school building damaged, injured, or destroyed by fire or other public calamity.

(e) The supplying of school buildings and grounds with furniture, equipment or necessary apparatus of a permanent nature.

(f) The permanent improvement of the school grounds.

(g) The refunding of any outstanding valid indebtedness of the district, evidenced by bonds, or of state school building aid loans.

(h) The carrying out of the projects or purposes authorized in Section 15811.

(i) The purchase of schoolbuses the useful life of which is at least twenty (20) years.

(j) The demolition or razing of any school building with the intent to replace it with another school building, whether in the same location or in any other location.

Any one or more of the purposes enumerated, except that of refunding any outstanding valid indebtedness of the district evidenced by bonds, may, by order of the governing board entered in its minutes, be united and voted upon as one single proposition.

SEC. 3. The amendments made by Section 2 of this act do not constitute a change in, but are declaratory of, the pre-existing law.

CHAPTER 143

An act to add Section 5006.7 and Chapter 1.5 (commencing with Section 5094) to Division 5 of the Public Resources Code, relating to state cooperation and participation with the federal government with respect to recreation and fish and wildlife enhancement facilities at federal water projects, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1966. Filed with Secretary of State July 1, 1966.]

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

SECTION 1. Section 5006.7 is added to the Public Resources Code, to read:

5006.7. Pursuant to the provisions of Chapter 1.5 (commencing with Section 5094) of this division, the Administrator of the Resources Agency may indicate in writing the state's intent to agree to administer the project land and water areas

at the Marysville Dam and Reservoir Project on the Yuba River for recreation or fish and wildlife enhancement, or both of these purposes, as provided in Public Law 89-72.

SEC. 2. Chapter 1.5 (commencing with Section 5094) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.5. FEDERAL WATER PROJECT RECREATION ACT

5094. It is hereby declared to be in the public interest for the state and local public agencies to participate with the federal government with respect to recreation and fish and wildlife enhancement facilities at federal water projects to the extent that such facilities are deemed necessary and desirable by the state or local public agency participating. The state may participate in any such project to the extent that it is of statewide importance and that local public agencies are unwilling or unable to do so and to the extent the Legislature appropriates funds necessary therefor. The state and local agencies may cooperate and jointly participate in a project where the interests of both will be advantageously served.

5094.1. The Administrator of the Resources Agency, with approval of the Director of Finance and upon specific authorization by the Legislature, may indicate in writing the state's intent to agree to administer any federal multiple-purpose water project land and water areas for recreation or fish and wildlife enhancement, or both of these purposes, as provided in Public Law 89-72. The administrator, as to each proposed state participation, shall submit any proposed indication of intent, together with supporting material, to the Legislature.

The administrator, before requesting legislative authorization, shall determine that the proposed state participation in the project is in compliance with all comprehensive water, recreation, and fish and wildlife plans of the state, and that to the extent the state intends to participate there is no local public agency willing and able to participate and that the state's participation alone or in cooperation with local agencies is justified on the basis of statewide importance.

5094.2. The Resources Agency through the Department of Parks and Recreation and the Department of Fish and Game shall conduct an investigation and study of the project with respect to the areas of interest of each and prepare plans of the proposed state participation therein. The agency shall submit a report to the Governor and to the Legislature, which report shall contain such plans, a statement of the agency's determination that the proposed state participation therein is in compliance with comprehensive water, recreation, and fish and wildlife plans of the state, and statements of the agency's determination that to the extent the state proposes to participate in the project, there is no local public agency willing and able

to participate and that the state's participation alone or in cooperation with local agencies is justified on the basis of statewide importance.

5094.3. With respect to each project as to which a letter of intent has been given, and upon specific authorization by the Legislature:

(a) The Department of Parks and Recreation and the Department of Fish and Game may cooperate and participate with the federal government pursuant to Public Law 89-72 in the development of recreation and fish and wildlife enhancement at federal water projects. Where both the recreation and fish and wildlife enhancement functions are involved in a project the department having the principal interest as designated by the Administrator of the Resources Agency shall be the contracting agency with the federal government. In such case the contract shall be subject to approval of the other department.

(b) The departments may (1) administer unit land and water areas for recreation or fish and wildlife enhancement, or both, (2) contract with the federal government for the operation, maintenance, and replacement of unit facilities, (3) assume all costs of such operation, maintenance, and replacement, and (4) accept transfer of unit lands or facilities by lease or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation or fish and wildlife enhancement purposes, or both.

(c) The departments may enter into a contract or contracts with the federal government to pay or repay one-half of the separable capital costs involved in the development of the recreation or fish and wildlife enhancement features, or both, at the project pursuant to the provisions of Public Law 89-72, consistent with the reports provided for in Section 5094.2. The agreement for the payment or repayment of the separable capital costs shall be limited to those recreation or fish and wildlife enhancement facilities, or both, specified in the contract. Such payments or repayments may be made by any or all of the following methods: by legislative appropriation; by provision of lands, interests therein, or facilities for the project; or by a contract or contracts for repayment, with interest, within 50 years of first use of project recreation or fish and wildlife enhancement facilities specified in the contract or contracts. The source of repayment may be limited to entrance and user fees or charges collected at the project by the contracting department if such fees or charges dedicated to repayment are established on a basis calculated to achieve repayment and are made subject to review and renegotiation at intervals of not more than five years. If the source of repayment is so limited, revenues derived from such fees or charges shall be deposited in a special account in the Special Deposit Fund in the State Treasury and used for the purpose of such repayment. If not so limited, the source of repayment shall be

such appropriations of funds as may from time to time be made for such purpose by the Legislature.

5094.4. This chapter shall not apply to the cooperation and participation with the federal government pursuant to Public Law 89-161 in the development of recreation facilities or fish and wildlife enhancement facilities, or both, at Auburn Dam and Reservoir, Folsom Dam and Reservoir, Nimbus Dam and Lake Natomas, and County Line Dam and Reservoir, and stream areas in the immediate vicinity of these facilities.

5094.5. This chapter shall be known and may be cited as the Porter-Cobey Federal Water Project Recreation Act.

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

There are presently pending before Congress authorization bills for federal water projects in this state. In order that this state may participate in these projects in the development of recreation and fish and wildlife enhancement, it is essential that this act go into immediate effect.

CHAPTER 144

An act to amend Sections 13151 and 26481 of, and to add Section 19355 to, the Revenue and Taxation Code, relating to tax proceeds.

[Approved by Governor July 1, 1966. Filed with Secretary of State July 1 1966]

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

SECTION 1. Section 13151 of the Revenue and Taxation Code is amended to read:

13151. All taxes, interest, and penalties collected under this part shall be transmitted to the State Treasurer to be deposited in the State Treasury to the credit of the Insurance Tax Fund, which is hereby created. Upon transmitting moneys to the State Treasurer, the commissioner shall furnish the Controller with a record of the amounts transmitted and the insurers from whom the moneys have been received.

SEC. 1.5. Section 19355 is added to said code, to read:

19355. Revenues derived from this part shall be accrued when earned by the State of California. Amounts shall be deemed earned when the taxpayer receives the income in respect to which the tax is to be assessed. In measuring amounts earned the following principles shall apply:

(a) Income shall be considered to be received ratably over taxpayers' fiscal periods;

(b) Capital gains, gains from the sale of assets other than capital assets, and distributions from estates and trusts shall be excluded; and

(c) The total amounts of personal exemptions, exemptions for dependents, and the standard deduction allowable under the law shall be excluded.

SEC. 2. Section 26481 of said code is amended to read:

26481. All moneys received by the State Treasurer from the Franchise Tax Board and representing taxes or interest imposed on taxpayers subject to the tax imposed by this part shall be deposited by him in a special fund in the State Treasury, to be designated the Bank and Corporation Tax Fund, and moneys in said fund shall, upon the order of the Controller, be transferred into the General Fund of the state, or drawn therefrom for the purpose of refunding to taxpayers hereunder. For purposes of accounting, such moneys shall be treated by the state as earned during the year of receipt.

SEC. 3 The Legislature finds and declares that the best interests of the state require the adoption of an accounting system which provides for recognition of revenues when earned as well as recognition of expenditures when obligations are incurred. It is thereby declared to be the policy of the State of California that all revenues that will be payable into the State Treasury be accounted on an accrual basis to the fullest extent practicable.

SEC. 4. The Legislature declares that the extent to which revenues are accrued shall in no instance result in the requirement for loans to the General Fund to finance appropriations in excess of the amounts available from internal sources. The amounts available from internal sources shall be determined by the Department of Finance which shall consider existing law and prudent fiscal policy.

CHAPTER 145

An act to add Section 14670.5 to the Government Code, relating to rehabilitation centers and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 1, 1966. Filed with Secretary of State July 1, 1966.]

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

SECTION 1. Section 14670.5 is added to the Government Code, to read:

14670.5. Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Mental Hygiene may let to a nonprofit corporation, for the purpose of establishing and maintaining a rehabilitation center for mentally retarded minor and adult persons, for a period not

exceeding 20 years, real property, not exceeding five acres, located within the grounds of the Fairview State Hospital in Orange County, and which is retained by the state primarily to provide a peripheral buffer area, or zone, between real property upon which is located the state hospital and adjacent real property, where the director deems such letting is in the best interests of the state.

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

Orange County, in which is located the Fairview State Hospital, is in immediate need of additional rehabilitation centers for mentally retarded minors. There are a great number of mentally retarded minors as well as adults in Orange County and in the immediate vicinity thereof, who are in immediate need of rehabilitative services. In order that such services may be provided as soon as possible to aid such mentally retarded, it is necessary that this act take effect immediately.

CHAPTER 146

An act to add Article 2.5 (commencing with Section 3141) to Chapter 10 of Division 5 of the Education Code, relating to school district organization, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 8, 1966. Filed with Secretary of State July 8, 1966.]

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

SECTION 1. Article 2.5 (commencing with Section 3141) is added to Chapter 10 of Division 5 of the Education Code, to read:

Article 2.5. County Committees on School District Organization

3141. 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.

3141.5. All provisions of law directing that the county committee be augmented by the membership of governing boards of individual school districts are inoperative. All powers, duties, and responsibilities vested by any provisions of law in the augmented county committee shall be deemed vested, instead, in the county committee comprised of membership as prescribed by this article. Nothing in this section shall

preclude the county committee from utilizing the advice, counsel, and services of such advisory committees as it may deem appropriate to consult.

3142. If all of the territory of a county under the jurisdiction of the county superintendent of schools of the county is included in one unified school district the governing board of the unified school district shall constitute the county committee.

3143. Except as provided in Section 3142, if there are less than six districts under the jurisdiction of the county superintendent of schools of the county, he shall determine the number of, and appoint, the members of the county committee.

3144. 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.

3145. If the number of districts in a county with six or more districts decreases to less than six, Section 3142 or 3143, as the case may be, shall apply or if the number of districts in a county with less than six districts increases to six or more, Section 3144 shall apply. Each member of the county committee of a county in which such a change occurs shall serve out his term of office.

3146. Neither the county superintendent of schools nor any member of his staff nor any employee of a school district shall be a member of the county committee. At least one member of the county committee shall be elected from among the qualified electors of each county supervisorial district in the county.

3147. The term of office of each member of the county committee shall begin upon election or appointment pursuant to Sections 3143 and 3144 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.

3148. Vacancies in the membership of the county committee are caused by the happening of any of the events speci-

fied 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.

3149. The members of the county committee shall serve without pay, but they shall receive their actual and necessary travel expenses incurred in the performance of their duties. The expenses shall be allowed by the board of supervisors, and be paid out of the county general fund.

3149.1. Funds for secretarial and stenographic services for county committee may be allowed by the board of supervisors, and shall be paid out of the county general fund.

3150. The county committee shall organize by electing from its membership a chairman and a vice chairman. The county superintendent of schools shall act as the secretary of the county committee. Meetings of the county committee shall be held upon call of the chairman or of a majority of the members thereof. The first meeting of the county committee shall be held within 30 days after election or appointment on a call issued by the county superintendent of schools. A majority of the county committee shall constitute a quorum.

SEC. 2. The Legislature, at its 1965 Regular Session, enacted into law Chapter 1898 of the Statutes of 1965, to authorize, upon petition of a county committee on school district organization or a county board of education and order of the State Board of Education, the county board of education to assume all duties, powers, purposes, responsibilities and jurisdiction vested in the county committee. That act repealed all laws pertaining to the composition and organization of county committees on school district organization. It is to become effective on July 1, 1966.

The Legislature is advised that as of May 15, 1966, only one petition for such assumption by a county board of education, of the duties, powers, purposes, responsibilities, and jurisdiction of a county committee, has been submitted to the State Board of Education. It is thus apparent that the local jurisdictions desire to continue this function of implementing the unification of local services in the hands of the county committees.

It is further apparent that unless the State Board of Education orders all county boards to take over the duties and responsibilities vested in county committees by July 1, 1966, there will result a serious disruption in the work, at a local level, in the process of formulating and completing plans and proposals for the unification and other reorganizations of school district territory.

The Legislature hereby finds and declares that the reenactment of the statutory provisions governing the composition and organization of county committees on school district organization, as proposed by Section 1 of this act, is essential to insure local participation in the continuation of the consolidation of community level services and facilities of governmental agencies and officers which is involved in the formulation of plans and proposals for school district unifications and reorganizations.

SEC. 3. This act shall be operative commencing on July 1, 1966.

SEC. 3.5. This act shall remain in effect until the 91st day following the final adjournment of the 1969 Regular Session of the Legislature, and on and after that time shall have no further force or effect.

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:

On July 1, 1966, all statutory provisions governing the composition and organization of county committees on school district organization will expire under legislation enacted in 1965. In order that their organization and composition will continue to be provided for without interruption on and after July 1, 1966, it is essential that this act take effect immediately.

CHAPTER 147

An act to add Sections 3001.1 and 6409 to the Corporations Code, to amend Sections 15606, 15607, 15612, 15616, 15619, 15624, 15641, 15642, 15644, 15645, 43002, 43007, 43072, 43091, 51501, 51505, 51515 and 51549, to add Sections 15605.5, 27422 and 31000 6 to, and to repeal Section 51509, of the Government Code, to amend Sections 17261 and 17262 of the Education Code, to amend Sections 155.8, 214.3, 220, 251, 252, 254.5, 255, 272, 401, 405, 408, 441, 449, 450, 451, 452, 461, 462, 463, 464, 465, 501, 503, 504, 505, 565, 569, 616, 617, 619, 647, 650, 753, 762, 826, 833, 892, 1601, 1602, 1603, 1605, 1607, 1609, 1612, 1614, 1624, 1627, 1628, 1629, 1646, 1647, 1717, 1765, 1816, 1817, 1819, 1820, 1867, 2601, 2635, 2908.3, 4986, 5096, 5097 and 5366 of, and to add Sections 214.01, 214.8, 256.5, 402.1, 405.5, 468, 469, 470, 532, 619.1, 621, 622, 834, 867, 1365, 1609.5, 1630, 1646.1, 1716.1, 1717.1, 1815.1, 1815.6, 1815.7, 1815 8, 1815.9, 1816.1, 1816.2, 1816.3 and 2611.6 to, to add Article 8 (commencing with Section 670) to Chapter 3, Part 2, Division 1 and Article 6 (commencing with Section 900) to Chapter 4, Part 2, Division 1 of, and to repeal Sections 402.5, 402.6, 532, 621, 867 and 1626 of, the Revenue and Taxation

Code, and to amend Sections 1652 and 1653 of the Streets and Highways Code, relating to property assessment and taxation, and making an appropriation.

[Approved by Governor July 8, 1966. Filed with Secretary of State July 11, 1966.]

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

SECTION 1. Section 3001.1 is added to the Corporations Code, to read:

3001.1. Upon request of an assessor, a domestic corporation owning, claiming, possessing or controlling property subject to local assessment shall make available at the corporation's principal office in California or at a place mutually acceptable to the assessor and the corporation a true copy of business records relevant to the amount, cost and value of all property that it owns, claims, possesses or controls within the county.

SEC. 2. Section 6409 is added to said code, to read:

6409. Upon request of an assessor, a foreign corporation owning, claiming, possessing or controlling property subject to local assessment shall make available at the corporation's principal office in California or at a place mutually acceptable to the assessor and the corporation a true copy of business records relevant to the amount, cost and value of all property that it owns, claims, possesses or controls within the county.

SEC. 2.5. Section 15605.5 is added to the Government Code, to read:

15605.5. There is within the State Board of Equalization an Office of Appraisal Appeals which shall be separate from any other administrative division within the board. The board shall employ a Chief of the Office of Appraisal Appeals and shall employ, or furnish by means of contract with other state agencies, such professional, technical and clerical staff as may be necessary to carry out the functions of the office. Any member of the staff conducting an investigation and review of appraisals pursuant to Section 1816.2 of the Revenue and Taxation Code is authorized to administer oaths and affirmations in any such proceeding. It is the intention of the Legislature to provide within the board the means for an assessor to secure an independent and impartial review of appraisals which have been made in his county pursuant to Section 1815 of the Revenue and Taxation Code.

SEC. 2.7. Section 15606 of the Government Code is amended to read:

15606. The State Board of Equalization shall:

(a) Prescribe rules for its own government and for the transaction of its business.

(b) Keep a record of all its proceedings.

(c) Prescribe rules and regulations to govern local boards of equalization when equalizing, and assessors when assessing.

(d) Prescribe and enforce the use of all forms for the assessment of property for taxation and the collection of state

and local taxes, except as provided by Section 158 of the Revenue and Taxation Code.

(e) Prepare and issue instructions to assessors designed to promote uniformity throughout the state and its local taxing jurisdictions in the assessment of property for the purposes of taxation. It may adapt such instructions to varying local circumstances and to differences in the character and conditions of property subject to taxation as in its judgment is necessary to attain such uniformity.

(f) Subdivisions (c), (d) and (e) in this section shall include, but are not limited to, rules, regulations, instructions and forms relating to classifications of kinds of property and evaluation procedures. All rules and regulations adopted by the board pursuant to subdivision (c) shall be adopted, on and after January 1, 1968, pursuant to the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of this division.

The provisions of this section are mandatory.

SEC. 3. Section 15607 of the Government Code is amended to read:

15607. The board shall summon assessors to meet with it or its duly authorized representatives at least once annually, at places within the state it designates, to study or discuss problems of administration of assessment and taxation laws and to promote uniformity of procedure in tax matters throughout the state.

SEC. 4. Section 15612 of said code is amended to read:

15612. The board may inspect, either as a board, individually, or by its duly appointed representative, the work of any local officers whose duties relate to the assessment of property for taxation and the collection of taxes. It may require such officers to produce any records in their custody, including, but not limited to, records relating to the assessment of specific properties and give testimony with reference to such matters of assessment and tax collecting as it deems useful to it in its investigations.

SEC. 5. Section 15616 of said code is amended to read:

15616. The board shall report annually to the Governor, the report to be printed at state expense The report shall show:

(a) The assessed value of state-assessed and locally assessed real and personal property in each county and the assessed value of state-assessed and locally assessed property in each incorporated city or town.

(b) The ratio of assessed value to full cash value of locally assessable property determined by the board under Chapter 2 (commencing with Section 1815) of Part 3 of Division 1 of the Revenue and Taxation Code.

(c) The coefficient of dispersion of the ratios of assessed value to full cash value for locally assessable properties other than household goods and personal effects as found by the

board in each survey made pursuant to Section 1815 of the Revenue and Taxation Code.

(d) Information concerning other taxes which it administers.

(e) Such further information and suggestions as it shall deem proper.

SEC. 6. Section 15619 of said code is amended to read:

15619. Any member or ex-member of the State Board of Equalization, or any agent employed by it, or the Controller, or ex-Controller, or any person employed by him, or any person who has at any time obtained such knowledge from any of the foregoing officers or persons shall not divulge or make known in any manner not provided by law, any of the following items of information concerning the business affairs of companies reporting to the board:

(a) Any information concerning the business affairs of any company which is gained during an examination of its books and accounts or in any other manner, and which information is not required by law to be reported to the State Board of Equalization.

(b) Any information, other than the assessment and the amount of taxes levied, obtained by the State Board of Equalization in accordance with law from any company other than one concerning which such information is required by law to be made public.

(c) Any particular item of information relating to the disposition of its earnings contained in the report of a quasi-public corporation which such corporation, by written communication specifying the items and presented at the time when it files its report, requests shall be treated as confidential.

Nothing in this section shall be construed as preventing examination of such records and reports by law enforcement agencies, grand juries, boards of supervisors, or their duly authorized agents, employees or representatives conducting an investigation of an assessor's office pursuant to Section 25303 of this code, and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such records.

The Governor may authorize examination of such reports by other state officers. In such event the information obtained by such persons shall not be made public. The Governor, however, may direct that any of the information referred to in this section shall be made public.

Any violation of this section is a misdemeanor and punishable by a fine not to exceed five hundred dollars ($500), or by imprisonment not to exceed six months, or both, at the discretion of the court.

SEC. 7. Section 15624 of said code is amended to read:

15624. When requested by the legislative body of any county, city, or city and county or the assessor to render advisory or other service, other than those services specified in this chapter, the board may contract, at not less than cost and

subject to regulations approved by the Director of General Services, to render such services.

In addition to any other service the board may render under this section, it is the intent of the Legislature that the board furnish auditor and appraisal personnel, on request, to local taxing authorities to aid in making postaudits of personal property. The board shall report to the Legislature annually on all requests received under this section and the disposition of these requests.

All money received by the Board of Equalization pursuant to such contracts shall be paid into the State Treasury to the credit and in augmentation of the current appropriation of the board.

SEC. 8. Section 15641 of said code is amended to read:

15641. The board shall send members of its staff to the several counties and cities and counties of the state for the purpose of conducting such research as it deems essential for completion of a survey report pursuant to Section 15640 with respect to each county and city and county showing the nature and extent of its taxable resources, the volume of assessing work to be done as measured by the various types of property to be assessed and the number of individual assessments to be made, the responsibilities devolving upon the county assessor, his requirements for maps, records, and other equipment and supplies essential to the adequate performance of his duties, the number and classification of personnel needed by him for the adequate conduct of his office, the fiscal outlay required to secure for that office sufficient funds to ensure the proper performance of its duties, and the extent to which intracounty equalization has been achieved, as indicated by the surveys conducted under Section 1815 of the Revenue and Taxation Code.

SEC. 9. Section 15642 of said code is amended to read:

15642. The board shall proceed with the surveys of the assessment procedures and practices in the several counties and cities and counties as rapidly as feasible, and shall repeat or supplement each survey at least once in six years.

SEC. 10. Section 15644 of said code is amended to read:

15644. As the surveys are completed, copies of survey reports shall be filed with the Governor, Attorney General, and with the assessors, the boards of supervisors, the grand juries and assessment appeals boards of the counties to which they relate, and, on the opening day of each regular session, with the Senate and Assembly. In addition, the board may file a confidential report with the assessor containing matters relating to personnel.

SEC. 11. Section 15645 of said code is amended to read:

15645. Within a year after receiving his copy of a survey report, the assessor shall file with the board of supervisors a response, indicating the manner in which he has implemented, or intends to implement, the recommendations of the survey report, with copies of such response being sent to the Governor,

the Attorney General, the State Board of Equalization, the Senate and Assembly and to the grand juries and assessment appeals boards of the counties to which they relate.

SEC. 11.5. Section 27422 is added to said code, to read:

27422. The assessor shall not hold the office of tax collector or auditor, whether it is an appointive or elective office, at the same time he holds the office of assessor.

This section shall become operative on January 6, 1969.

SEC. 12. Section 31000.6 is added to said code, to read:

31000.6. Upon request of the assessor of the county, the board of supervisors shall contract with and employ legal counsel to assist the assessor in the performance of his duties in any case where the county counsel or the district attorney would have a conflict of interest in representing the assessor.

SEC. 13. Section 43002 of said code is amended to read:

43002. Tax liens attach at noon on the first Monday of March of each year.

SEC. 14. Section 43007 of said code is amended to read:

43007. Notwithstanding any other contrary provisions of law, the city legislative body may by ordinance provide that every person of the city who on the lien date of any year was the owner of, or had in his possession, or under his control, any taxable improvement, which improvement was thereafter destroyed without his fault by fire or by any other means prior to July 31 of that year and cannot be thereafter rebuilt because of a zoning prohibition, may on or before a date to be specified in such ordinance make application for the reassessment of such improvement and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the improvement immediately after the destruction, and that the assessor shall, on or before October 31 of that year, assess the improvement, or reassess it if it has already been assessed, according to the condition and value immediately after the destruction and upon such notice as it may find to be proper the board of equalization for the city may, until November 30 of that year, equalize any such assessment or reassessment. It may also be provided in such ordinance that the tax rate fixed for property on the roll on which the improvement so assessed appears or the improvement so reassessed appeared at the time of its original assessment shall be applied to the amount of equalized assessment or reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the ordinance may provide that the taxpayer shall be liable for tax only for the lesser amount and that the difference shall be canceled. If the taxpayer has already paid the tax previously computed, the ordinance may provide that such difference shall be refunded to the taxpayer. This section shall be applicable to all cities to which the Constitution does not prevent it from being applied.

SEC. 15. Section 43072 of said code is amended to read:

43072. For the fiscal year in which a city avails itself of the general laws relative to the assessment and collection of city taxes by county officials, and for each succeeding fiscal year, the city council may levy a rate of tax for any purpose for which a maximum rate is specified by law up to an amount that exceeds such maximum rate in the proportion that the total assessed valuation on the entire city roll used in the fiscal year immediately preceding the year for which the city availed itself of the county tax assessing and collecting services exceeded the total assessed valuation of the property within the city on the entire county roll for the same year. The maximum rate of indebtedness provided for in Section 43605 shall be increased in the same proportion.

SEC. 16. Section 43091 of said code is amended to read:

43091. If the legislative body elects to proceed under this article, annually on or before the lien date, it shall pass an ordinance to that effect and file a certified copy of the ordinance with the auditor of the county in which the city is situated.

SEC. 17. Section 51501 of said code is amended to read:

51501. By ordinance, a city legislative body may transfer the duties of the city treasurer to the treasurer of the county in which the city is situated, and shall, by January 1, 1969, transfer the assessment and tax collection duties performed by the city assessor and tax collector to the assessor and tax collector of the county in which the city is situated, and no city shall establish the offices of city assessor and tax collector after that date.

SEC. 18. Section 51505 of said code is amended to read:

51505. The ordinance transferring the duties of the treasurer is effective until repealed. Certified copies of the ordinance repealing the transfer of the treasurer's duties shall be served upon the county auditor, tax collector, and treasurer.

SEC. 19. Section 51509 of said code is repealed.

SEC. 20. Section 51515 of said code is amended to read:

51515. When the duties of the city treasurer have been transferred to the county treasurer, one-fourth of 1 percent shall be deducted from the money collected by the county tax collector as compensation for the services of the county treasurer and paid into the county salary fund.

SEC. 21. Section 51549 of said code is amended to read:

51549. As soon as practicable after the lien date following the effective date of the charter provision or ordinance, the city clerk shall deliver to the county assessor a written statement showing separately the exterior boundaries of the city as originally incorporated and the exterior boundaries of each body of new territory subsequently added and the date of addition. Thereafter, any changes in the city's boundaries shall be reported to the county assessor and the State Board of Equalization under the provisions of Sections 54900 to 54903, inclusive.

SEC. 21.1. Section 17261 of the Education Code is amended to read:

17261. On the basis of computations made by the State Board of Equalization, the secretary of that board shall certify on or before October 1st of each year to the Superintendent of Public Instruction the factor, carried to two decimal places, by which the total assessed value of all tangible property on the current local roll of each county must be modified to conform to the statewide average assessment level; provided that property belonging to a county, city and county, or municipal corporation which is taxable under Section 1, Article XIII of the Constitution and constituting more than 10 percent of the total assessed value of the taxable property within a school district shall be excluded from the assessed value and the full cash value that are used to compute such factor.

SEC. 21.2. Section 17262 of the Education Code is amended to read:

17262. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, shall average the factor certified for the current year under Section 17261 for the local roll of the county in which the district is located with the factors so certified for the two immediately preceding years. The department, board, or agency shall then modify that part of the valuation of the district shown on the local roll, other than any part of the valuation which was excluded under Section 17261, by application of this three-year average factor. If a district is located in more than one county, this modification shall be made by applying the average factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

SEC. 22. Section 155.8 of the Revenue and Taxation Code is amended to read:

155.8. Notwithstanding anything in this code to the contrary, every person who on the lien date of any year was the owner of, or had in his possession or under his control, any taxable improvement which improvement was thereafter destroyed without his fault by fire or by any other means prior to July 31 of that year and cannot be rebuilt because of a zoning prohibition may, on or before September 30 of that year, make application for reassessment of such improvement and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the improvement immediately after the destruction. The assessor shall, on or before October 31 of that year, assess the improvement, or reassess it if it has already been assessed, according to the condition and value immediately after the destruction, and the assessor, if he reassesses the improvement, shall trans-

mit to the board a description of the improvement so reassessed, the name of the person making the application in connection with the improvement, and the value of the improvement as so reassessed. Upon such notice as it may find to be proper, the local board of equalization may, until November 30 of that year, equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the improvement so assessed appears or the improvement so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the last paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

SEC. 23. Section 214.01 is added to said code, to read:

214.01. For the purpose of Section 214, property shall be deemed irrevocably dedicated to religious, charitable, scientific, or hospital purposes only if a statement of irrevocable dedication to only these purposes is found in the articles of incorporation of the corporation, or in the case of any other fund or foundation, in the bylaws, articles of association, constitution, or regulations thereof.

SEC. 24. Section 214.3 of said code is amended to read:

214.3. In the event that any property described in subdivision (6) of Section 214 shall have been used solely for charitable or hospital purposes for a minimum period of 30 years, the "welfare exemption" granted by Section 214 shall extend to such property irrespective of any reversionary provisions in the title of the property respecting liquidation, dissolution or abandonment, if the ownership, operation, use and dedication of the property are otherwise within the purview of Section 214.

SEC. 25. Section 214.8 is added to said code, to read:

214.8. The "welfare exemption" shall not be granted to any organization which is not qualified as an exempt organization under Section 23701d of the Revenue and Taxation Code or Section 501(c)(3) of the Internal Revenue Code of 1954. This section shall not be construed to enlarge the "welfare exemption" to apply to organizations qualified under Section 501(c)(3) of the Internal Revenue Code of 1954 but not otherwise qualified for the "welfare exemption" under other provisions of this code.

SEC. 27. Section 220 of said code is amended to read:

220. Any aircraft which is in California on the lien date solely for the purpose of being repaired, overhauled, modified, or serviced is exempt from personal property taxation. This

exemption does not apply to aircraft normally based in California, or operated intrastate or interstate in and into California.

SEC. 28. 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, cemetery, orphanage, college, exhibition, fruit and nut trees and vines, and immature forest trees, or welfare exemption.

SEC. 29. Section 252 of said code is amended to read:

252. When making the first claim any person claiming the veterans' exemption or the spouse of such person shall appear before the assessor, shall give all information required and answer all questions in an affidavit prescribed by the State Board of Equalization, and shall subscribe and swear to the affidavit before the assessor. The assessor may require other proof of the facts stated before allowing the exemption. In subsequent years the person claiming the veterans' exemption, or the spouse of such person, may file the affidavit under penalty of perjury by mail.

SEC. 30. Section 254.5 of said code is amended to read:

254.5. Affidavits for the welfare exemption shall be filed in duplicate on or before March 15 of each year with the assessor concerned and shall be accompanied by duplicate certified copies of the financial statements of the owner and operator. Copies of the affidavits and financial statements shall be forwarded not later than April 1 by the assessor with his recommendations for approval or denial to the board which shall review all such affidavits and statements and may institute an independent audit or verification of the operations of the owner and operator to ascertain whether both the owner and operator meet the requirements of Sections 214 and 215 of the Revenue and Taxation Code. In this connection the board shall consider, among other matters, whether:

(a) The services and expenses of the owner or operator (including salaries) are excessive, based upon like services and salaries in comparable public institutions;

(b) The operations of the owner or operator, either directly or indirectly, materially enhance the private gain of any individual or individuals;

(c) Any capital investment of the owner or operator for expansion of physical plant is justified by the contemplated return thereon, and required to serve the interests of the community.

The board shall make a finding as to the eligibility of each applicant and shall forward its finding to the assessor concerned not later than June 1. The assessor may deny the claim of an applicant the board finds eligible but may not grant the claim of an applicant the board finds ineligible.

SEC. 31. Section 255 of said code is amended to read:

255. Affidavits required for exemptions named in this article, except the welfare exemption, shall be filed with the assessor between the lien date and 5 o'clock p.m. on April 15.

SEC. 32. Section 256.5 is added to said code, to read:

256.5. The affidavit for the cemetery exemption shall show that:

(a) The property is used or held exclusively for the burial or other permanent deposit of the human dead or for the care, maintenance or upkeep of such property or such dead, and

(b) The property is not used or held for profit.

SEC. 33. Section 272 of said code is amended to read:

272. If a claimant for the veterans' exemption failed to file the required affidavit pursuant to Section 255 because he was in the military service of the United States and serving outside of the continental limits of the United States between the lien date and 5 o'clock p.m. on April 15, any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1966 on property to the amount of one thousand dollars ($1,000) owned by such person as to which the veterans' exemption was available for such fiscal year, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 34. Section 401 of said code is amended to read:

401. Every assessor shall assess all property subject to general property taxation from the lien date for the 1967–68 fiscal year through the 1970–71 fiscal year at a publicly announced ratio of his own choosing which shall be between 20 percent and 25 percent of full cash value. Beginning with the lien date for the 1971–72 fiscal year, he shall assess all property subject to general property taxation at 25 percent of its full cash value.

SEC. 34.1. Section 402.1 is added to the Revenue and Taxation Code, to read:

402.1. In the assessment of land, the assessor shall consider the effect upon value of any enforceable restrictions to which the use of the land may be subjected. Restrictions shall include but are not necessarily limited to zoning restrictions limiting the use of land and any recorded contractual provisions limiting the use of lands entered into with a governmental agency pursuant to state laws or applicable local ordinances. There shall be a rebuttable presumption that restrictions will not be removed or substantially modified in the predictable future and that they will substantially equate the value of the land to the value attributable to the legally permissible use or uses.

Grounds for rebutting the presumption may include but are not necessarily limited to the past history of like use restrictions in the jurisdiction in question and the similarity of sales prices for restricted and unrestricted land. The possible expiration of a restriction at a time certain shall not be conclusive evidence of the future removal or modification of the restriction unless there is no opportunity or likelihood of the

continuation or renewal of the restriction, or unless a necessary party to the restriction has indicated an intent to permit its expiration at that time.

In assessing land where the presumption is unrebutted, the assessor shall not consider sales of otherwise comparable land not similarly restricted as to use as indicative of value of land under restriction, unless the restrictions have a demonstrably minimal effect upon value.

In assessing land under an enforceable use restriction wherein the presumption of no predictable removal or substantial modification of the restriction has been rebutted, but where the restriction nevertheless retains some future life and has some effect on present value, the assessor may consider, in addition to all other legally permissible information, representative sales of comparable land not under restriction but upon which natural limitations have substantially the same effect as restrictions.

It is hereby declared that the purpose and intent of the Legislature in enacting this section is to provide for a method of determining whether a sufficient amount of representative sales information is available for land under use restriction in order to ensure the accurate assessment of such land. It is also hereby declared that the further purpose and intent of the Legislature in enacting this section and Section 1630 of the Revenue and Taxation Code is to avoid an assessment policy which, in the absence of special circumstances, considers uses for land which legally are not available to the owner and not contemplated by local government, and that these sections are necessary to implement the public policy of encouraging and maintaining effective land use planning. Nothing in this statute shall be construed as requiring the assessment of any land at less than as required by Section 401 of this code or as prohibiting the use of representative comparable sales information on land under similar restrictions when such information is available.

SEC. 34.2. Section 402.5 of the Revenue and Taxation Code is repealed.

SEC. 34.3. Section 402.6 of the Revenue and Taxation Code is repealed.

SEC. 35. Section 405 of said code is amended to read:

405. Annually, the assessor shall assess all the taxable property in his county, except state-assessed property, to the persons owning, claiming, possessing, or controlling it on the lien date.

SEC. 35.5. Section 405.5 is added to said code, to read:

405.5. The assessor shall periodically appraise all property to substantiate his judgment of full cash value for uniform assessment purposes.

SEC. 36. Section 408 of said code is amended to read:

408. (a) Except as otherwise provided in subdivisions (b) and (c) any information and records in the assessor's office which are not required by law to be kept or prepared by the

assessor are not public documents and shall not be open to public inspection.

(b) The assessor shall permit an assessee of property to inspect at the assessor's office any information and records, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of his property, except information and records which also relate to the property or business affairs of a person other than the assessee unless ordered to do so by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of his assessment.

(c) The assessor shall disclose information, furnish abstracts or permit access to all records in his office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees or representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the State Board of Equalization and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such records.

SEC. 37. Section 441 of said code is amended to read:

441. (a) Every person upon request of the assessor shall file a written property statement, under oath, with the assessor between the lien date and 5 p.m. on the last Monday in May, annually, and within such time as the assessor may appoint.

(b) The property statement may be filed with the assessor through the United States mail, properly addressed with postage prepaid. This subdivision shall be applicable to every taxing agency, including but not limited to, a chartered city and county, or chartered city.

(c) In the case of a corporate owner of property, the property statement shall be signed either by an officer of the corporation or an employee or agent who has been designated in writing by the board of directors to sign such statements on behalf of the corporation.

(d) At any time, as required by the assessor for assessment purposes, every person shall make available for examination information or records regarding his property. In this connection details of property acquisition transactions, construction and development costs, rental income, and other data relevant to the determination of an estimate of value are to be considered as information essential to the proper discharge of the assessor's duties.

(e) The assessor may refuse to accept any property statement he determines to be in error

SEC. 37.5. Section 449 of said code is amended to read:

449. Upon the request of the assessor, each property owner shall submit a property statement. Failure of the assessor to request or secure the property statement does not render any assessment invalid.

SEC. 37.7. Section 450 of said code is amended to read:

450. The assessee shall fill out the property statement and return it to the assessor within an appointed time.

SEC. 38. Section 451 of said code is amended to read:

451. All information required by the assessor or furnished in the property statement shall be held secret by the assessor. The statement is not a public document and is not open to inspection, except as provided in Section 408.

SEC. 39. Section 452 of said code is amended to read:

452. For the assessment year beginning in 1968 and each assessment year thereafter, the board shall prescribe in detail the content of property statements, including the specific wording, to be used by all assessors in the several counties, and cities and counties, and shall notify assessors of such specifications at least six months prior to the tax lien date on which they become effective. Each assessor shall incorporate the specifications on the exact form he proposes to use and submit such form to the board for approval prior to use. The property statement shall not include any question which is not germane to the assessment function.

SEC. 40. Section 461 of said code is amended to read:

461. Every person who willfully states anything which he knows to be false in any oral or written statement, not under oath, required or authorized to be made as the basis of imposing any tax or assessment, is guilty of a misdemeanor and upon conviction thereof may be punished by imprisonment in the county jail for a period not exceeding six months or by a fine not exceeding five hundred dollars ($500), or by both.

SEC. 41. Section 462 of said code is amended to read:

462. Every person is guilty of a misdemeanor who, after written demand by the assessor, does any of the following:

(a) Refuses to make available to the assessor any information which is required by subdivision (d) of Section 441 of this code.

(b) Gives a false name.

(c) Willfully refuses to give his true name.

Upon conviction of any offense in this section, the defendant may be punished by imprisonment in the county jail for a period not exceeding six months or by a fine not exceeding five hundred dollars ($500), or by both.

If the defendant is a corporation, it may be punished by an additional fine of one hundred dollars ($100) for each day it refuses to comply with the provisions of this section, up to a maximum of ten thousand dollars ($10,000).

SEC. 42. Section 463 of said code is amended to read:

463. Every person following written request by the assessor forfeits five hundred dollars ($500) to the people of the state, to be recovered by action brought in their name by the assessor, for each refusal to do any of the following:

(a) Furnish the property statement.

(b) Make and subscribe the affidavit respecting his name and place of residence.

SEC. 43. Section 464 of said code is amended to read:

464. All moneys recovered by the assessor under Section 463 shall be paid into the county treasury.

SEC. 43.5. Section 465 of the Revenue and Taxation Code is amended to read:

465. The assessor may destroy any document containing information obtained from taxpayers when seven years have elapsed since the lien date for the taxes for which such information was obtained.

SEC. 44. Section 468 is added to said code, to read:

468. In addition to any other remedies described in this article, if any person fails to furnish any information or records required by this article upon demand by the assessor, the assessor may apply to the superior court of the county for an order requiring the person who failed to furnish such information or records to appear and answer concerning his property before such court at a time and place specified in the order. The court may so order in any county where the person may be found, but shall not require the person to appear before the court in any other county than that in which the subpoena is served.

SEC. 45. Section 469 is added to said code, to read:

469. In any case in which locally assessable business tangible personal property owned, claimed, possessed or controlled by a taxpayer engaged in a profession, trade, or business has a full cash value of fifty thousand dollars ($50,000) or more, the assessor shall audit the books and records of such profession, trade, or business at least once each four years.

SEC. 46. Section 470 is added to said code, to read:

470. Upon request of an assessor, a person owning, claiming, possessing or controlling property subject to local assessment shall make available at his principal place of business, principal location or principal address in California or at a place mutually agreeable to the assessor and the person, a true copy of business records relevant to the amount, cost and value of all property that he owns, claims, possesses or controls within the county.

SEC. 47. Section 501 of the Revenue and Taxation Code is amended to read:

501. If after written demand by the assessor, any person fails to comply with any provision of law for furnishing information on taxable tangible property, the assessor shall assess the property as provided in Article 1 or 4 of this chapter.

SEC. 47.1. Section 503 of the Revenue and Taxation Code is amended to read:

503. Any tangible property willfully concealed, removed, transferred, or misrepresented by the owner or his agent to evade taxation, shall be assessed on discovery as provided in Article 1 or 4 of this chapter.

SEC. 47.2. Section 504 of the Revenue and Taxation Code is amended to read:

504. An assessment made pursuant to Sections 501 or 503 shall be subject to a penalty in an amount determined by adding to the roll 50 percent of the assessed value of the property on the first offense and 100 percent of the assessed value of the property on subsequent offenses under this article by the same person within five years following a prior offense.

SEC. 47.3. Section 505 of the Revenue and Taxation Code is amended to read:

505. The assessor shall make an assessment subject to penalty by entering on the local roll the assessment and penalty in such form and manner as prescribed by the board.

SEC. 48. Section 532 of said code is repealed.

SEC. 49. Section 532 is added to said code, to read:

532. Whenever taxable personal property escapes assessment, or whenever real property being sold under a contract which provides for retention of title in a vendor who has been or is exempt from taxation escapes assessment, and the escape in either instance results from a nonwillful act or omission of the taxpayer, the assessor shall assess the property for the year in which it escaped assessment at any time within five years after July 1 of the assessment year in which it escaped assessment.

Whenever it is discovered that any taxable property, or any portion thereof, is subject to an escape assessment, and the failure to regularly assess such property was caused in whole or in part by the fraudulent act or omission of the taxpayer or by fraudulent collusion between the taxpayer, his agent or representative, and the assessor or any of his deputies, the assessor shall within 18 months of the discovery levy an escape assessment upon such property, and shall also levy a penal assessment thereon pursuant to Section 504. Such assessments upon such property may not be made more than six years following the lien date for the year in which the property escaped assessment.

Notwithstanding any other provisions of this code an assessment made pursuant to this section against real property for the year or years in which such real property escaped assessment shall not create or impose a lien or charge on such real property for such assessment or any penalties if (1) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon, or (2) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon. In such cases the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth the name of the person who would have been the assessee in the year in which such real property escaped assessment

and the amount or amounts of any such assessments and penalties. From the date of the recording of such certificate a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded which lien shall have the force, effect and priority of a judgment lien.

The tax collector, with the approval of the board of supervisors, may at any time release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the assessment or taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such assessment or taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

SEC. 50. Section 565 of said code is amended to read:

565. Whenever tax-deeded property is redeemed between the lien date and July 1, the redemption officer shall immediately notify the assessor of the redemption and the assessor shall enter the property on the roll being prepared.

SEC. 51 Section 569 of said code is amended to read:

569. Whenever delinquent taxes on tax-deeded property are being paid in installments, and there has been a default in the payment of any installment, the redemption officer shall notify the county assessor of such default on or before the lien date of the year following said default.

SEC. 52. Section 616 of said code is amended to read:

616. On or before July 1, annually, the assessor shall complete the local roll. He shall make and subscribe an affidavit on the roll substantially as follows:

"I, _____, Assessor of _____ County, swear that between the lien date and July 1, 19___, I have made diligent inquiry and examination to ascertain all the property within the county subject to assessment by me, and that it has been assessed on the roll, according to the best of my judgment, information, and belief, at its value as required by law; and that I have faithfully complied with all the duties imposed on the assessor under the revenue laws; and that I have not imposed any unjust or double assessment through malice, ill will, or otherwise; nor allowed anyone to escape a just and equal assessment through favor, reward, or otherwise."

The failure to make or subscribe this affidavit, or any affidavit, does not affect the validity of the assessment.

The assessor may require from any of his deputies an affidavit on the roll similar to his own.

SEC. 53. Section 617 of said code is amended to read:

617. As soon as the assessor completes the local roll, he shall deliver it to the auditor.

SEC. 54. Section 619 of said code is amended to read:

619. The assessor shall, upon or prior to completion of the local roll, either:

(a) Inform each assessee of real property on the local secured roll whose property's assessed value has increased of the assessed value of that property as it shall appear on the completed local roll; or

(b) Inform each assessee of real property on the local secured roll, or each assessee on both the local secured and unsecured rolls, of the assessed value of his real property or both his real and his personal property as it shall appear on the completed local roll.

The information given by the assessor to the assessee pursuant to subdivisions (a) or (b) shall include a notification of hearings by the county board of equalization, which shall include the period during which assessment protests will be accepted and the place where they may be filed.

This information shall also include the assessment ratio for the county as provided in Section 401 and the full cash value of the property.

This information shall be furnished by the assessor to the assessee by regular United States mail directed to him at his latest address known to the assessor.

The failure of the assessee to receive this information shall not in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

SEC. 55. Section 619.1 is added to said code, to read:

619.1. For purposes of Section 619, when the address to which the tax bill is to be sent and the address of the owner are different, one copy of the information shall be sent to each address.

SEC. 56. Section 621 of said code is repealed.

SEC. 57. Section 621 is added to said code, to read:

621. In any county the assessor, with the approval of the board of supervisors, may give the information required by Section 619, and similar information with reference to personal property, as an alternative to giving the information by United States mail, by having published lists of assessments in newspapers, or both. Each year at least all changes of assessment listings for all the areas shall be printed, together with a notice that no changes were made with regard to properties not on the list of changes, so that all changes will be on a current basis for the entire county. Newspapers for the publications shall be selected as they are for publication of the delinquent tax lists and the rate paid for the advertising shall be the same.

Neither the failure of the assessee to receive this information nor the failure of the assessor to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

SEC. 57.5. Section 622 is added to said code, to read:

622. In counties of more than 4 million population the assessor, with the approval of the board of supervisors, may give the information required by Section 619, as an alternative to giving the information in the manner required by Sections 619 and 621, by having published lists of assessments in newspapers. For this purpose he may divide the county into publication areas not to exceed five in number. Within such areas the assessment listings may be grouped by assessment map books, by post office zones or by such other arrangements as may be determined by the assessor as most likely to give notice to assessees and as practicable for publication in local newspapers. The complete assessment data of one such area may be printed in one year, and for other areas in successive years as directed by him until the full county is covered. Each year at least all changes of assessment listings for all the areas shall be printed, together with a notice that no changes were made with regard to properties not on the list of changes, so that all changes will be on a current basis for the entire county. Newspapers for the publications shall be selected as they are for publication of the delinquent tax lists and the rate paid for the advertising shall be the same.

Neither the failure of the assessee to receive this information nor the failure of the assessor to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

SEC. 58. Section 647 of said code is amended to read:

647. If any city or lighting, water, or irrigation district, or any district described in Section 2131, on behalf of which the county does the assessing, makes written request, on or before the lien date, for a certified copy of the portion of the secured roll pertaining to property within its limits, the assessor shall comply with the request on or before July 1. Such roll is at all times, during office hours, open to the inspection of any person representing any taxing agency or revenue district, or any district described in Section 2131.

SEC. 59. Section 650 of said code is amended to read:

650. If, prior to June 1 of any taxable year, any school district makes a written request for a certified copy of that portion of the assessment roll for that year pertaining to property within its limits which is on such roll, the assessor, if the roll is still in his possession, or the auditor, if the roll has been completed and delivered by the assessor to the auditor, shall comply with the request.

SEC. 60. Article 8 (commencing with Section 670) is added to Chapter 3 of Part 2 of Division 1 of said code, to read:

Article 8. Appraiser Qualifications

670. (a) No person shall perform the duties or exercise the authority of an appraiser for property tax purposes as an employee of the state, any county or city and county, unless he is the holder of a valid appraiser's certificate issued by the State Board of Equalization.

(b) The board shall provide for the examination of applicants for such certificates and may contract with the State Personnel Board to give such examinations. Examinations shall be prepared by the board with the advice and assistance of a committee of five assessors selected by the assessors for this purpose. No certificate shall be issued to any person who has not attained a passing grade in such examination and demonstrated to the board that he is competent to perform the work of an appraiser as such competency is defined in regulations duly adopted by the board; provided, however, that any applicant for a certificate who is denied the same shall have a right to review of such denial in accordance with the State Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Passage of a civil service or merit system examination for appraiser given by the state or any county or city and county shall suffice to meet the requirements of this section. The scope of such examination shall be approved by the Board of Equalization.

(d) Any person performing the duties of appraiser in county, city, or city and county government at the time this section becomes effective shall be certified by examination on or before October 1, 1971, by the Board of Equalization. The board may issue an appraiser's certificate without further examination to state employees who have passed a state civil service examination for appraiser prior to the date this section becomes effective.

(e) Except as permitted by subdivision (f), no employee of the state, any county, or city and county, shall perform the duties or exercise the authority of an auditor or an auditor-appraiser under Section 469 or Section 1815.1 of this code, or under Section 15624 of the Government Code, unless he holds a degree in accounting from a recognized institution of higher education, or is a licensed accountant in the State of California, or has passed the state, or a county, or city and county civil service or merit system examination regularly given for the position of accountant or auditor by the testing body.

(f) Any person performing the duties of an auditor or auditor-appraiser for property tax purposes as an employee of the state, any county, or city and county at the time this section becomes effective shall fulfill the requirements of subdivision (e) of this section on or before October 1, 1972.

(g) This section does not apply to elected officials.

671. In order to retain a valid appraiser's certificate every holder shall be exposed to at least 24 hours of training conducted or approved by the Board of Equalization in each one-year period.

Failure to receive such training shall constitute grounds for revocation of an appraiser's certificate; provided, however, that proceedings to revoke shall be conducted in accordance with the State Administrative Procedure Act contained in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

672. At the time of certification each applicant shall disclose, on forms provided by the Board of Equalization, his financial interest in any corporation. Thereafter the form shall be completed annually.

673. The Board of Equalization may issue a temporary certificate to a person who is newly employed by the state, any county, city and county or appraisal commission in order to afford the person the opportunity to apply for and take an examination the successful passage of which would qualify the person for a certificate. A temporary certificate shall not be issued to exceed one year's duration and shall be issued only to a person who has demonstrated eligibility to take a civil service examination pursuant to subdivision (c) of Section 670 or who is found by the board to possess qualifications by reason of education and experience so that he may be reasonably expected to be competent to perform the work of an appraiser. A temporary certificate shall not be renewed.

SEC. 62. Section 753 of said code is amended to read:

753. Annually, on or before the first Monday in August, the board shall assess all state-assessed property.

SEC. 63. Section 762 of said code is amended to read:

762. To a roll delivered by the board under the provisions of Section 760 or 761, the secretary of the board shall affix an affidavit, subscribed by him, as follows:

"I, _____, Secretary of the State Board of Equalization, swear that this board roll sets forth the assessments of all state-assessed property for the purpose of taxation in the _____ of _____ as of the lien date, _____, made by the State Board of Equalization in accordance with the requirements of Section 14 of Article XIII of the Constitution of California and Division 1 of the Revenue and Taxation Code of said state; I further swear that said board has reckoned on said roll in accordance with the rates certified by the auditor the respective sums due as taxes and ad valorem special assessments and has added the columns of valuations and taxes or ad valorem special assessments, as required by law."

SEC. 63.5. Section 826 of said code is amended to read:

826. Upon request of the board, a person shall submit a property statement pertaining to any state-assessed property owned, claimed, possessed, used, controlled, or managed by him, in the form prescribed by the board. The statement shall be filed with the board.

SEC. 64. Section 833 of said code is amended to read:

833. Information and records in the board's office which are not required to be kept or prepared by the board are not public documents. Except as provided herein, all information required by the board or furnished in the property statement shall be held secret by the board. This section shall not apply to maps filed pursuant to Section 326 of this code.

When requested by resolution of the board of supervisors of any county, or the council of any city which prepares its own local roll, the board shall permit the auditor or the assessor of the county or city, or any duly authorized deputy or employee of such officer, to examine any and all records of the board.

The board shall disclose information, furnish abstracts or permit access to any and all of its records to or by law enforcement agencies, grand juries, and other duly authorized legislative or administrative officials of the state pursuant to their authorization to examine such records.

SEC. 64 3. Section 834 is added to said code, to read:

834. The board may destroy any documents containing information obtained from taxpayers when seven years have elapsed since the lien date for the taxes for which such information was obtained.

SEC. 64.4. Section 867 of said code is repealed.

SEC. 64.5. Section 867 is added to said code, to read:

867. Whenever taxable personal property escapes assessment, or whenever real property being sold under a contract which provides for retention of title in a vendor who has been or is exempt from taxation escapes assessment, and the escape in either instance results from a nonwillful act or omission of the taxpayer, the board shall assess the property for the year in which it escaped assessment at any time within five years after July 1 of the assessment year in which it escaped assessment.

Whenever the property, or any portion thereof, escapes assessment as a result of the fraudulent act or fraudulent omission of the taxpayer, or as a result of fraudulent collusion between the taxpayer and the State Board of Equalization, the board shall assess the property and impose the penalty. An assessment levied by the board pursuant to this paragraph shall be made promptly upon discovery of the fraud and in no event more than six years following the date when the fraud occurred.

Notwithstanding any other provisions of this code an assessment made pursuant to this section against real property for the year or years in which such real property escaped assessment shall not create or impose a lien or charge on such real property for such assessment or any penalties if (1) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon, or (2) such real property is subject to a

lien of a bona fide encumbrance for value created and attaching prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon. In such cases the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth the name of the person who would have been the assessee in the year in which such real property escaped assessment and the amount or amounts of any such assessments and penalties. From the date of the recording of such certificate a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded which lien shall have the force, effect and priority of a judgment lien.

The tax collector, with the approval of the board of supervisors, may at any time release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the assessment or taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such assessment or taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

SEC. 65. Section 892 of said code is amended to read:

892. (a) A penal assessment shall be 50 percent of the assessed value of the property penally assessed.

(b) Subsequent offenses under this article by the same person within five years following a prior offense shall result in penal assessments of 100 percent of the assessed value of the property penally assessed.

Penal assessments are in addition to the regular assessments of property.

SEC. 65.5. Article 6 (commencing with Section 900) is added to Chapter 4 of Part 2 of Division 1 of said code, to read:

Article 6. Responsibility of State Board of Equalization and Its Employees

900. (a) The members of the State Board of Equalization and the employees thereof shall not engage in any gainful profession, trade, business or occupation whatsoever for any person, firm or corporation, or be so engaged in their own behalf, which profession, trade, business or occupation is incompatible or involves a conflict of interest with their property tax duties

as members and employees of the board. Conflict of interest shall include receipt of compensation or gifts from private persons or firms for advice or other services relating to the taxation or assessment of property.

(b) The violation of subdivision (a) by any member of the board shall constitute malfeasance in office.

(c) The violation of subdivision (a) by any employee of the board shall be grounds for dismissal. Disciplinary proceedings for any such violation shall be taken pursuant to Article 3, Chapter 8, Part 2, Division 5, Title 2, of the Government Code.

SEC. 66. Section 1365 is added to said code, to read:

1365. (a) The county assessor and the employees of the assessor's office shall not engage in any gainful profession, trade, business or occupation whatsoever for any person, firm, or corporation, or be so engaged in their own behalf, which profession, trade, business, or occupation is incompatible or involves a conflict of interest with their duties as officers and employees of the county. Conflict of interest shall include receipt of compensation or gifts from private persons or firms for advice or other services relating to the taxation or assessment of property.

(b) If the board of supervisors or the Attorney General finds that the assessor has violated any of the provisions of subdivision (a), such violation shall constitute malfeasance in office on the part of the assessor.

(c) If the assessor or the Attorney General finds that any of the employees of the assessor's office has violated any provision of subdivision (a), such violation shall be grounds for dismissal of such employee by the assessor.

SEC. 68. Section 1601 of said code is amended to read:

1601. Immediately upon delivery of the roll to the auditor, the clerk shall give notice of the period during which assessment protests will be accepted, the place where they may be filed, and the time the county board will meet to equalize assessments by publication in a newspaper, if any is printed in the county, or, if none, as directed by the board of supervisors.

SEC. 69. Section 1602 of said code is amended to read:

1602. The roll or a copy thereof shall be made available for inspection by all interested parties during regular office hours of the officer having custody thereof.

SEC. 70. Section 1603 of said code is amended to read:

1603. Annually, on the third Monday in July, the board of supervisors or the assessment appeals board shall meet as the county board of equalization to equalize the assessment of property on the local roll. It shall continue in session for that purpose, from time to time, until the business of equalization is disposed of.

Any taxpayer may petition said board for a reduction in an assessment and a proportionate reduction or refund of the

taxes extended thereon by filing an application pursuant to Section 1607 or Section 5097.

SEC. 71. Section 1605 of said code is amended to read:

1605. After giving notice as prescribed by its rules, the county board shall equalize the assessment of property on the local roll by determining the full cash value of an individual assessment on the evidence submitted and by reducing or increasing an individual assessment as provided in this section. Such boards need not make written findings of fact nor draw conclusions of law, unless requested in advance of the hearing by the taxpayer. The county shall also transcribe the proceedings of the board and make copies of the transcripts available to the taxpayer upon request. The county may impose a reasonable fee for the preparation of such written findings and conclusions and for such transcripts of proceedings.

If after the determination of the full cash value of a parcel of property, the ratio of assessed to full cash value deviates by more than 15 percent from the latest preliminary or final ratio of assessment of all property in the county as found by the State Board of Equalization as provided in Article 1 (commencing with Section 1815) of Chapter 2 of this part, this shall be prima facie evidence of an inequitable assessment and the county board shall equalize the assessment on said property to the lower of: (a) an assessment based on the ratio established under Section 401; (b) an assessment based on 115 percent of the state board's latest preliminary or final ratio for the county; or (c) an assessment wherein the assessed value shall be in the same proportion to full cash value as all property in the county.

SEC. 72. Section 1607 of said code is amended to read:

1607. A reduction in an assessment on the local roll shall not be made unless the party affected or his agent makes and files with the county board a verified, written application showing the facts claimed to require the reduction and the applicant's opinion of the full cash value of the property. Except as provided in Section 1760, the application shall be filed between the third Monday in July and September 15.

SEC. 73. Section 1609 of said code is amended to read:

1609. On the hearing of the application, the county board may subpoena witnesses and books, records, maps, and documents and take evidence in relation to the inquiry. The assessor may introduce new evidence of full cash value of a parcel of property at the hearing.

SEC. 73.5. Section 1609.5 is added to the Revenue and Taxation Code, to read:

1609.5. The county board of equalization in equalizing an assessment of property shall not consider the findings and recommendations of the Chief of the Office of Appraisal Appeals and the order of the board with respect to the property made pursuant to Section 1816.2.

SEC. 74. Section 1612 of said code is amended to read:

1612. The clerk of the county board shall record, in a book kept for that purpose, all changes and orders made by the county board and, no later than the second Monday of each month, shall prepare a separate statement listing all such changes made during the preceding calendar month.

SEC. 75. Section 1614 of said code is amended to read:

1614. On the second Monday of each month the clerk shall deliver the statement of all changes made by the county board during the preceding calendar month to the auditor with an affixed affidavit, subscribed by him, as follows:

"I, _____, swear that, as Clerk of the Board of Equalization of _____ County, I have kept correct minutes of all the acts of the board during the month of _____, ____, touching alterations in the assessment roll, that all alterations agreed to or directed to be made have been included in the attached statement and that no other alterations are included therein."

SEC. 76. Section 1624 of said code is amended to read:

1624. A person shall not be eligible for nomination for membership on an assessment appeals board unless he has a minimum of five years' professional experience in this state as one of the following: certified public accountant or public accountant, licensed real estate broker, attorney, property appraiser accredited by a nationally recognized professional organization, or is a person who the nominating member of the board of supervisors has reason to believe is possessed of competent knowledge of property appraisal and taxation.

SEC. 77. Section 1626 of said code is repealed.

SEC. 78. Section 1627 of said code is amended to read:

1627. The assessor in person or through a deputy shall attend all meetings of an assessment appeals board.

SEC. 79. Section 1628 of said code is amended to read:

1628. The clerk of the board of supervisors shall be clerk of the assessment appeals boards and keep a record of their proceedings. He shall perform the same duties in connection with their proceedings as he is required by law to perform in connection with the proceedings of the county board of equalization.

SEC. 80. Section 1629 of said code is amended to read:

1629. The provisions of this article shall be operative in all counties authorized or required by Section 9.5 of Article XIII of the Constitution to create tax appeals boards or assessment appeals boards. The Legislature hereby authorizes any county to create boards of tax appeals if otherwise qualified to do so under Section 9.5, Article XIII, of the Constitution. The terms "tax appeals board" and "assessment appeals board" are synonymous.

SEC. 80.5. Section 1630 is added to the Revenue and Taxation Code, to read:

1630. (a) Any real property owner the use of whose land is subject to an enforceable restriction placed upon it by a local agency may apply to the governing body of the local agency for a written statement declaring the present intention of the governing body to refrain from removing or modifying any such restriction in the predictable future.

(b) The written statement of intention may be granted or denied by the governing body at its discretion. A reasonable fee not to exceed ten dollars ($10) may be charged for each such statement.

(c) The written statement may be presented to the county board of equalization as evidence that a restriction on the use of the taxpayer's land exists and that such restriction should be considered in assessing the value of the land.

(d) The written statement shall constitute a rebuttable presumption that the governing body does not intend to remove or modify the restriction in the predictable future.

SEC. 81. Section 1646 of said code is amended to read:

1646. As soon as the auditor receives the local roll from the assessor, he shall add up the valuations on it and enter on the roll the total valuation of each kind of property and the total valuation of all property; provided, however, that if the assessment roll is a machine-prepared roll the prescribed computations and entries may be made and entered upon a newly prepared roll.

After the board of supervisors has acted under Section 2151, the auditor shall perform the duties specified in Section 2152; provided that if the assessment roll is a machine-prepared roll, the prescribed computations and entries may be made and entered upon a newly prepared roll.

SEC. 81.5. Section 1646.1 is added to the Revenue and Taxation Code, to read:

1646.1. Upon receiving a statement from the clerk prepared under Section 1614, the auditor shall forthwith correct the roll to reflect the changes made by the county board.

SEC. 82. Section 1647 of said code is amended to read:

1647. Annually, on or before the third Monday in August, the auditor shall prepare duplicate valuation statements, verified by his attached affidavit, from the local roll as corrected for changes made during July. Within 60 days after the close of the assessment year, he shall prepare new statements to reflect all corrections of the roll.

SEC. 83. Section 1716.1 is added to said code, to read:

1716.1. The Board of Equalization may establish an appraisal commission in any county if the information obtained by the board under Section 1815 shows that the ratio of assessed value to full cash value of 50 percent of the sample properties deviates from the county's average ratio for the year by more than 20 percent.

SEC. 83.3. Section 1717 of said code is amended to read:

1717. The appraisal commission may employ any technical assistants it deems necessary to carry out the required appraisal. A person so employed is not an additional deputy or assistant of the assessor.

SEC. 83.5. Section 1717.1 is added to said code, to read:

1717.1. The requirements of Sections 670, 671 and 673 shall apply to employees of an appraisal commission.

Upon being employed by an appraisal commission, the employee shall disclose, on a form provided by the State Board of Equalization, his financial interest in any corporation in accordance with Section 672.

SEC. 84. Section 1765 of said code is amended to read:

1765. If any city or lighting, water or irrigation district makes written request, on or before the lien date for a certified copy of the portion of the secured roll pertaining to property within its limits, the assessor shall comply with the request on or before the third Monday in August.

SEC. 86. Section 1815.1 is added to said code, to read:

1815.1. In order to verify the information furnished to the assessor of the county, the board shall audit the original books of account of any person owning, claiming, possessing or controlling property included in a survey conducted pursuant to this chapter when the property is of a type for which accounting records are useful sources of appraisal data and the books of account are maintained at an out-of-state location.

SEC. 86.1. Section 1815.6 is added to the Revenue and Taxation Code, to read:

1815.6. For the purposes of Sections 402.1, 1815.7, and 1815.8:

(a) "Comparable lands" are lands which are similar to the land being valued in respect to legally permissible uses and physical attributes.

(b) "Representative sales information" is information from sales of a sufficient number of comparable lands to give an accurate indication of the full cash value of the land being valued.

SEC. 86.2. Section 1815.7 is added to the Revenue and Taxation Code, to read:

1815.7. (a) The board in valuing land may consider sales information on land comparable to the land being valued only if the land sold meets all usual tests of comparability, including those in Section 402.1, and specifically if:

(1) The land sold is in the immediate vicinity of the land being valued, unless the use of the land is identical to that of the land being valued and no change in such use is predictable, and

(2) The land sold is under similar use, or in a use productive of a similar return, unless there is reason to believe that the land being valued has the capability and imminent oppor-

tunity of being put to a use similar in nature or productivity to the use of the land sold.

(b) At least five sales of land qualifying as comparable in subdivision (a) shall be required before the board may consider them to be representative of the value of the land being valued. A lesser number of sales may be considered to be representative if two or more of the lands sold abut upon the land being valued.

(c) When representative sales information is not available and the land is valued by capitalizing its income, the capitalization rate shall be predicated on risk, interest, and allowance for property taxes.

(d) When representative sales information is available the following influences on the sales price shall be considered:

(1) The effects of the federal or state income, estate or gift taxes on the buyers and sellers that are not common to a large number of buyers or sellers.

(2) The conditions that occurred at the time of the sales that are not likely to repeat themselves.

(3) The methods of financing the sales.

SEC. 86.3. Section 1815.8 is added to the Revenue and Taxation Code, to read:

1815.8. Where the use of the land being valued is subject to restriction, the board shall also use procedures prescribed for the assessment of such land by Section 402.1.

SEC. 86.4. Section 1815.9 is added to the Revenue and Taxation Code, to read:

1815.9. In valuing property the board shall not consider sales occurring after the lien date of the assessment rolls being sampled.

SEC. 86.5. Section 1816 of said code is amended to read:

1816. After commencement of a survey in any county pursuant to Section 1815, the board at monthly intervals shall deliver or mail notice to the assessor of the county that appraisals completed during the preceding monthly period are available for examination and discussion with the board's appraisers. The notice shall identify the properties appraised and state the appraised values thereof.

SEC. 86.6. Section 1816.1 is added to said code, to read:

1816.1. Within 20 days after the date notice is delivered or mailed to the assessor pursuant to Section 1816, he may examine and discuss the appraisals referred to therein with the board's appraisers. Within 10 days after the expiration of the 20-day period the assessor may file with the board an application requesting an investigation, review and adjustment of any appraisal examined and discussed with the board's appraisers. The application shall identify each appraisal to which the assessor takes exception and shall set forth the adjustment requested and the grounds therefor. The owner of the property shall be notified by the assessor of the filing of the application.

SEC. 86.7. Section 1816.2 is added to said code, to read:

1816.2. An application filed with the board pursuant to Section 1816.1 shall be referred to the Office of Appraisal Appeals for investigation and review. In the course of this investigation the Chief of the Office of Appraisal Appeals may examine the board's appraisers, their working papers and the instructions given to them. Upon completion of any necessary investigation and review, the Chief of the Office of Appraisal Appeals shall file with the board and the assessor in writing his findings and recommendation with respect to each of the appraisals included in the application. Before taking final action upon an application filed pursuant to Section 1816.1, the board shall afford the assessor and the administrative head of the property tax functions of the board an opportunity to present oral or written arguments before the board. The board shall consider the application and the findings and recommendations of the Office of Appraisal Appeals and shall order such adjustments as may be appropriate. The owner of the property shall not be a party, but may be called as a witness, to proceedings conducted pursuant to this section.

SEC. 86.8. Section 1816.3 is added to said code, to read:

1816.3. The board may prescribe rules and regulations to govern the proceedings under Sections 1816 to 1816.2, inclusive.

SEC. 87. Section 1817 of the Revenue and Taxation Code is amended to read:

1817. The board shall annually estimate any change that may have occurred in the full cash value of locally assessable tangible property between the lien date of the roll for which the last survey was made pursuant to Section 1815 and the lien date of the current roll. The board shall use as the basis for such estimate data on school enrollment, retail sales, wages, or other factors reasonably indicative of change or lack of change in the total full cash value of the property. The relationship between the total assessed value of the tangible property on the current local roll and the total full cash value of locally assessable tangible property so estimated shall be computed for each county of the state by the third Monday in July of each year. The board shall transmit promptly to each county assessor and county superintendent of schools, and to the Superintendent of Public Instruction a statement of its preliminary determination of this relationship. The board shall make this preliminary determination public.

SEC. 88. Section 1819 of said code is amended to read:

1819. As soon as tabulations have been made pursuant to Section 1818, the board shall give the assessor of each county a reasonable opportunity to examine that portion of the tabulations affecting property in his county. The assessor may, prior to August 1st, petition the board for reconsideration of the tabulations for his county and, if he has so requested in his petition, shall be granted an oral hearing by the board itself. After making any adjustment it deems appropriate, but

not later than August 23rd, the board shall make available for public inspection all such tabulations and shall publish the ratio of assessed to full cash value of locally assessable tangible property for each county and for the state. "Tabulations" do not include appraisal data relating to individual properties.

SEC. 89. Section 1820 of said code is amended to read:

1820. No appraisal data relating to individual properties obtained for the purposes of any survey under this chapter shall be made public, and no state or local officer or employee thereof gaining knowledge thereof in any action taken under this chapter shall make any disclosure with respect thereto except as that may be required for the purposes of this chapter. Nothing herein shall prohibit disclosure of appraisal data by the assessor to the assessee of the property to which the data relate.

Nothing in this section shall be construed as preventing examination of such data by law enforcement agencies, grand juries, boards of supervisors, or their duly authorized agents, employees, or representatives conducting an investigation of an assessor's office pursuant to Section 25303 of the Government Code, and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such data.

SEC. 91. Section 1867 of said code is amended to read:

1867. Whenever the board is satisfied after investigation that any local assessor or board of equalization has assessed any real estate belonging to an insurer at more than 25 percent of its cash value, thereby unjustly reducing the amount of taxes due the state from the insurer, the board shall, under reasonable rules of notice to the clerk of the board of supervisors or the proper local officer, equalize this assessment.

SEC. 92. Section 2601 of said code is amended to read:

2601. (a) On or before the fourth Monday in September, the auditor shall deliver the secured roll to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that I received the assessment roll from the assessor, with his affixed affidavit: that I have corrected it as required by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes, as required by law."

If the roll is a machine-prepared roll, the auditor shall deliver the assessment roll to the assessor and shall deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law."

(b) If the roll is a machine-prepared roll, and the tax bills are, with the consent of the tax collector and the approval of the board of supervisors, also machine-prepared by the auditor, the auditor shall, on or before the fourth Monday in September, deliver the assessment roll to the assessor, and shall, on or before October 16, deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law."

SEC. 93. Section 2611.6 is added to said code, to read:

2611.6. The information in the tax bill shall include the full cash value and assessed value of locally assessed property and the assessment ratio used to determine the assessed value.

SEC. 94. Section 2635 of said 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 ratio of assessed value to the full cash value of the property as provided in Section 401 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.

SEC. 95. Section 2908.3 of said code is amended to read:

2908.3. As of the lien date, at the time and in the manner prescribed by the auditor, the assessor shall account for all receipts for the current fiscal year furnished him and not previously accounted for and shall return the unused receipts. The auditor shall give the assessor a clearance for used and unused receipts returned.

SEC. 96. Section 4986 of said code is amended to read:

4986. (1) All or any portion of any uncollected tax, penalty, or costs, heretofore or hereafter levied, may, on satisfactory proof, be canceled by the auditor on order of the board of supervisors with the written consent of the county legal advisor if it was levied or charged:

(a) More than once.

(b) Erroneously or illegally.

(c) On a portion of an assessment in excess of the ratio of assessed value to the full cash value of the property as provided in Section 401 by reason of the assessor's clerical error.

(d) On improvements when the improvements did not exist on the lien date.

(e) On property annexed after the lien date by the public entity owning it.

(f) On property acquired prior to September 18, 1959, by the United States of America, the state, or by any county, city, school district or other political subdivision and which, because of such public ownership, became not subject to sale for delinquent taxes.

(2) (a) On property acquired after the lien date by the United States of America, if such property upon such acquisition becomes exempt from taxation under the laws of the United States, or by the state or by any county, city, school district or other public entity, and because of such public ownership becomes not subject to sale for delinquent taxes, no cancellation shall be made in respect of all or any portion of any such unpaid tax, or penalties or costs, but such tax, together with such penalties and costs as may have accrued thereon while on the secured roll, shall be transferred to the unsecured roll pursuant to Section 2921.5 of this code, and collection thereof shall be made and had as provided therein, except that the statute of limitations on any suit brought to collect such taxes and penalties shall commence to run from the date of transfer of such taxes, penalties and costs to the unsecured roll, which date shall be entered on the unsecured roll by the auditor opposite the name of the assessee at the time such transfer is made. The foregoing toll of the statute of limitations shall apply retroactively to all such unpaid taxes and penalties so transferred, the delinquent dates of which are prior to the effective date of the amendment of this section at the 1959 Regular Session.

If any property described in this subdivision is acquired by a negotiated purchase and sale, gift, or devise after the lien date but prior to the commencement of the fiscal year for which current taxes are a lien on the property, the amount of such current taxes shall be canceled and neither the person from whom the property was acquired nor the public entity shall be liable for the payment of such taxes. If, however, the property is so acquired after the commencement of the fiscal year for which the current taxes are a lien on the property, that portion only of such current taxes, together with any allocable penalties and costs thereon, which are properly allocable to that part of the fiscal year which ends on the day before the date of acquisition of the property, shall be transferred to the unsecured roll and be collectible from the person from whom the property was acquired. The portion of such taxes, together with any penalties and costs thereon, which are allocable to that part of the fiscal year which begins on the date of the acquisition of the property, shall be canceled and shall not be

collectible either from the person from whom the property was acquired nor from the public entity.

In no event shall any transfer of unpaid taxes, penalties or costs be made with respect to property which has been tax-deeded to the state for delinquency.

For purposes of this subdivision (a) if proceedings for acquisition of the property by eminent domain have not been commenced, the date of acquisition shall be the date that the conveyance is recorded in the name of the public entity or the date of actual possession by the public entity, whichever is earlier. If proceedings to acquire the property by eminent domain have been commenced and an order of immediate possession obtained prior to acquisition of the property by deed, the date of acquisition shall be the date upon or after which the plaintiff may take possession as authorized by such order of immediate possession.

(b) If at the time exemption from sale attaches to land or improvements acquired by a public entity the purchase price thereof is deposited in the registry of a court in an eminent domain proceeding, all delinquent taxes, penalties and costs which were or are a lien against such land or improvements and the pro rata share of the current taxes, penalties and costs which are a lien against such land or improvements, prorated for the fiscal year for which such current taxes, penalties and costs are or will be due and payable, shall be paid out of the award. The date for such proration shall be at the time title was transferred to, or possession was taken by, the public entity, whichever time the court determines to have first occurred. If the amount of the current tax is not ascertainable at the time the proration is made the same shall be estimated and computed by the court based upon the last equalized assessed value of the property in its entirety regardless of any segregation which may occur by reason of the taking, and the tax rate levied on the property for the immediate prior year. The court shall further order canceled the public entity's portion of any prorated current tax. The subject of the amount of the taxes which may be due on the property shall not be considered relevant on any issue in the condemnation action, and the mention of said subject, either on the voir dire examination of jurors, or during the examination of witnesses, or as a part of the court's instructions to the jury, or in argument of counsel, or otherwise, shall constitute grounds for a mistrial in any such action.

No cancellation under paragraph (b) of subdivision (1) of this section shall be made in respect of all or any portion of any tax, or penalties or costs attached thereto, collectible by county officers on behalf of a municipal corporation without the written consent of the city attorney thereof.

For the purpose of this subdivision the date of possession shall be the date after which the plaintiff may take possession as authorized by order of the court or as authorized by a declaration of taking.

SEC. 97. Section 5096 of said code is amended to read:

5096. On order of the board of supervisors, any taxes paid before or after delinquency shall be refunded if they were:

(a) Paid more than once.

(b) Erroneously or illegally collected.

(c) Paid on an assessment in excess of the ratio of assessed value to the cash value of the property as provided in Section 401 by reason of the assessor's clerical error or excessive or improper assessments attributable to erroneous property information supplied by assessee.

(d) Paid on an assessment of improvements when the improvements did not exist on the lien date.

(e) Paid on an assessment in excess of the equalized value of the property as determined pursuant to Section 1611 or Section 1760 by the county board of equalization.

SEC. 98. Section 5097 of said code is amended to read:

5097. No order for a refund under this article shall be made except on a claim:

(a) Verified by the person who paid the tax, his guardian, executor, or administrator.

(b) Filed within three years after making of the payment sought to be refunded.

An application for a reduction in an assessment filed pursuant to Section 1607 or Section 1760 shall also constitute a sufficient claim for refund under this section.

SEC. 99. Section 5366 of said code is amended to read:

5366. Owners, as well as operators, of private and public airports shall, within 15 days following the lien date of each year, provide the assessor of the county in which the airport is situated with a statement containing a list of names and addresses of the owners of all aircraft which were using the airport as a base.

SEC. 100. Section 1652 of the Streets and Highways Code is amended to read:

1652. The assessor shall then ascertain from his records the assessed value of such incorporated or annexed property on the lien date and shall certify to the county auditor such value thus ascertained.

SEC. 101. Section 1653 of said code is amended to read:

1653. The auditor shall then calculate the proportion that the assessed value, on the preceding lien date of the property annexed or incorporated bears to the total assessed value, as of that day, of all the property in the district from which the annexation or incorporation was made. He shall prepare a claim in favor of the city, to be allowed by the board of supervisors and paid by warrant on the treasurer, for that part of the unencumbered funds of the district which bears the same proportion to the whole of such unencumbered funds as the assessed value of the property annexed or incorporated bears to the total assessed value of all the property in the district from which the annexation or incorporation was made.

SEC. 102. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of this act, or the application of the provision to other persons or circumstances, is not affected.

SEC. 103. The following sections of this act shall first become operative for the 1967–68 assessment year: 23 to 25, inclusive, 28, 29, 30, 32, 35, 53 to 57, inclusive, 68 to 75, inclusive, 79, 81, 81.5, 82, 87, 88, 91 to 93, inclusive, and 99. Sections 9, 60, 86, 86.5, 86.6, and 86.7 shall become operative on July 1, 1967. Sections 21.1 and 21.2 shall first become operative for the 1968–69 assessment year.

SEC. 104. It is the intention of the Legislature by this act to provide reforms in assessment practices with respect to locally assessable tangible property and to achieve equity in the assessment and equalization of such property. Nothing herein shall be applicable to the unit valuation of state-assessed properties.

SEC. 105. There is hereby appropriated from the General Fund in the State Treasury to the State Board of Equalization the sum of forty-two thousand seven hundred eighty-one dollars ($42,781), or so much thereof as may be necessary, to enable the board to carry out its powers, duties and responsibilities under this act. Such amount shall be in addition to and in augmentation of amounts appropriated for support of the State Board of Equalization by the Budget Act of 1966.

CHAPTER 148

An act to add Chapter 1.5 (commencing with Section 31020) to Division 22 of the Education Code, relating to the Compact for Education.

[Approved by Governor July 8, 1966 Filed with Secretary of State July 11, 1966]

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

SECTION 1. Chapter 1.5 (commencing with Section 31020) is added to Division 22 of the Education Code, to read:

CHAPTER 1.5. COMPACT FOR EDUCATION

31020. The Compact for Education is hereby entered into with all jurisdictions joining therein, in the form as follows:

Article I. Purpose and Policy

(a) It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and

lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

(b) It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

(c) The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

Article II. State Defined

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

Article III. The Commission

(a) The Educational Commission of the States, hereinafter called "the commission," is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor, two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed and serve

at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed 10 nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

(b) The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III(j).

(c) The commission shall have a seal.

(d) The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

(f) The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

(g) The commission 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, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

(h) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(i) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendments thereto, with the appropriate agency or officer in each of the party states.

(j) The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

Article IV. Powers

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organiza-

tions for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

Article V. Cooperation with Federal Government

(a) 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 commission by not to exceed 10 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, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

(b) The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

Article VI. Committees

(a) To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 32 members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: 16 for 1 year and 16 for 2 years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall

fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two-term limitation.

(b) The commission 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 advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

(c) The commission may establish such additional committees as its bylaws may provide.

Article VII. Finance

(a) The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

(b) The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula that takes equitable account of the populations and per capita income levels of the party states.

(c) The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III(g) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III(g) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

(e) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(f) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspec-

tion of accounts by or on behalf of any government contributing to the support of the commission.

Article VIII. Eligible Parties; Entry Into and Withdrawal

(a) This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor," as used in this compact, shall mean the closest equivalent official of such jurisdiction.

(b) Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.

(c) Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

(d) Except for a withdrawal effective on December 31, 1967, in accordance with paragraph (c) of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors 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 IX. 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 application 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 therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

31021. Pursuant to Article III(i) of the compact, the commission shall file a copy of its bylaws and any amendment thereto with the Secretary of State.

31022. The Member of the Assembly who shall serve upon the Educational Commission of the States representing the State of California shall be selected by the Speaker of the Assembly, and the Member of the Senate who shall serve thereon shall be selected by the Senate Committee on Rules. Each legislative member 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.

31023. At the same time as the report rendered to the governors and legislatures of the states is made available in California pursuant to Article III(j) of the compact, the California delegation to the Educational Commission of the States shall submit to the Governor and to the Legislature of this state a summary of its views that differ from the recommendations submitted by the Educational Commission of the States.

31024. The members of the California delegation to the Educational Commission of the States shall receive no salary, but shall receive actual and necessary expenses incurred in fulfilling their duties.

31025. Notwithstanding any provisions of the Compact for Education set out in Section 31020 to the contrary, the four persons to be appointed by the Governor of California to serve as members of the Educational Commission of the States, shall be the following:

(a) Either a member of the State Board of Education, or a member of a local school district governing board.

(b) Either the Superintendent of Public Instruction, or another individual representing the public school system of this state or private elementary and secondary schools of this state.

(c) An individual representing the public institutions of higher education in this state.

(d) An individual representing the private institutions of higher education in this state.

31026. (a) This chapter shall remain operative only until December 31, 1969, and after such date shall have no force or effect.

(b) The Legislature shall, at its 1969 Regular Session, and each fourth year thereafter, review the matter of California's participation in the Compact for Education to determine whether California should continue to be a party to the compact and thus whether the operation of this chapter should be extended.

SEC. 2. This act shall become effective on July 1, 1966.

CHAPTER 149

An act to amend Sections 1711, 1712 and 1720 of the Welfare and Institutions Code, relating to the Youth Authority Board.

[Approved by Governor July 18, 1966. Filed with Secretary of State July 18, 1966.]

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

SECTION 1. Section 1711 of the Welfare and Institutions Code is amended to read:

1711. The authority shall consist of eight members, at least one of whom shall be a woman, who shall devote their entire time to its work.

SEC. 2. Section 1712 of said code is amended to read:

1712. The eight positions on the authority shall be filled by appointment of the Governor or persons meeting the requirements of this chapter subject to confirmation by the Senate.

SEC. 3. Section 1720 of said code is amended to read:

1720. The terms of office of members of the authority shall be for four years and shall expire as follows: two on March 15, 1955, and two on March 15, 1957. The term of the Chairman of the Youth Authority Board shall expire March 15, 1956. Their successors shall hold office for terms of four years and until the appointment and qualification of their successors, each such term to commence on the expiration date of the term of the predecessor. Members shall be eligible for reappointment.

The new member added to the authority by the amendment to Section 1711 of this code by the Legislature at the 1957 Regular Session shall be appointed by the Governor for a term expiring March 15, 1958.

The two new members added to the authority by the amendment to Section 1711 of this code by the Legislature at the 1966 First Extraordinary Session shall be appointed by the Governor for terms expiring March 15, 1971.

CHAPTER 150

An act to amend Section 6040 of the Penal Code, relating to California Women's Board of Terms and Parole.

[Approved by Governor July 18, 1966 Filed with Secretary of State July 18, 1966]

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

SECTION 1. Section 6040 of the Penal Code is amended to read:

6040. The members of the board shall be entitled to their reasonable expenses, including traveling expenses, incurred in the discharge of their duties.

In addition they shall be entitled to an annual salary of eight thousand five hundred dollars ($8,500) for attendance upon business of the board or the Board of Corrections. The chairman shall be entitled to an annual salary of nine thousand dollars ($9,000).

CHAPTER 151

An act to amend Section 3150 of the Welfare and Institutions Code, relating to Narcotic Addict Evaluation Authority.

[Approved by Governor July 18, 1966. Filed with Secretary of State July 18, 1966.]

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

SECTION 1. Section 3150 of the Welfare and Institutions Code is amended to read:

3150. (a) There is in the Youth and Adult Corrections Agency a Narcotic Addict Evaluation Authority, hereafter referred to in this article as the "authority." The authority shall be composed of four members, each of whom shall be appointed by the Governor, for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the authority shall be designated by the Governor from time to time. The terms of the members first appointed to the authority shall expire as follows: one on January 15, 1965, one on January 15, 1966, one on January 15, 1967, and one on January 15, 1968. Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.

(b) Each member of the authority shall devote such time to the duties of his office as required for performance of his duties and shall be entitled to an annual salary of nine thousand five hundred dollars ($9,500) for attendance upon business of the authority. The chairman shall be entitled to an annual salary of ten thousand dollars ($10,000). In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

(c) The authority shall maintain its headquarters at the California Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the California Rehabilitation Center.

(d) The authority shall meet at the center or its branches at such times as may be necessary for a full and complete study of the cases of all patients who are certified by the Director of Corrections to the authority as having recovered from addiction or imminent danger of addiction to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the authority. The authority may meet and transact business in panels. Each authority panel shall consist of at least two members of the authority. Two members of the authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority of the members present.

CHAPTER 152

An act to amend Section 9359.83 of the Government Code, relating to the retirement of legislators.

[Approved by Governor July 18, 1966. Filed with Secretary of State July 18, 1966.]

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

SECTION 1. Section 9359.83 of the Government Code is amended to read:

9359.83. Retired members of the system, and beneficiaries, who are entitled to receive allowances under the provisions of this chapter, may authorize deductions to be made from their retirement allowance payments, in accordance with regulations established by the board, for the payment of group insurance premiums and for dues or charges of a nonprofit membership corporation for the purpose of defraying the cost of medical services or hospital care, or both, under any plan approved by the Director of Finance. Such persons may also authorize deductions to be made from their retirement allowance payments, in accordance with regulations established by the board, for the payment of contributions for any health benefit plan coverage for which they may be eligible under the provisions of Chapter 1 (commencing with Section 22751) of Part 5 of Division 5 of Title 2 of this code.

CHAPTER 153

An act to amend Section 72602 of the Government Code, relating to municipal court judges.

[Approved by Governor July 18, 1966. Filed with Secretary of State July 18, 1966.]

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

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	3
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	49
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	3
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	3
Pomona Municipal Court District	2
South Gate Municipal Court District	1
Citrus Judicial District	4
Antelope Municipal Court District	1
Culver Municipal Court District	1

CHAPTER 154

An act to amend Section 1944 of the Labor Code, relating to librarians, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 18, 1966. Filed with Secretary of State July 18, 1966.]

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

SECTION 1. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment, as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the state, of:

(1) Any person who has declared his intention to become a citizen.

(2) Any native-born woman of the United States who has married a noncitizen.

(3) Any person present in the United States on a valid temporary visa issued by an American consular officer except where federal law prohibits gainful employment of that person in the United States.

For purposes of the preceding sentence, a declaration of intention to become a citizen shall consist of either: (1) the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law; or (2) an affidavit filed with, and in the form prescribed by, the State Board of Education, by an individual otherwise eligible for issuance of a public school certification document, declaring that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. In the event the State Board of Education determines that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke any public school certification documents issued to the individual.

(b) To any member of the faculty or teaching force or student body, or to any professional librarian, or to student assistants, of any college or university supported in whole or in part by the state.

(c) To any specialist or expert temporarily employed by any department of the state or any county, or city, and engaged in special investigation or teaching.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.

(f) To any professional person who has declared his intention to become a citizen.

(g) To any professional librarian, other than a chief librarian, employed for not more than one year.

(h) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

(i) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the state, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.

(j) To student assistants and interns in Department of Mental Hygiene training programs.

(k) To student assistants and interns in Department of Social Welfare training programs in that department or in a county welfare department.

SEC. 2. Notwithstanding any other provision of law, the employment and compensation by a public agency of any alien professional librarian, other than a chief librarian, for not more than one year between September 17, 1965 and the effective date of this act, is hereby confirmed, validated, and declared legally effective.

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

The great competition for professionally qualified trained librarians has posed a serious financial problem for the many public agencies whose funds are limited. This bill, by permitting public agencies to employ alien professional librarians for not more than one year, will relieve this problem and thereby materially relieve the need of public libraries for financial assistance. In order that it may become effective, as early as possible for the 1966–67 fiscal year, it is imperative that this act take effect immediately.

CHAPTER 155

An act to amend Section 6816 of the Public Resources Code, to add Sections 12.2, 12.3, and 12.4 to Chapter 138 of the Statutes of 1964, First Extraordinary Session, and to add Chapter 1.5 (commencing with Section 22510) to Division 16.5, Part 4 of, the Education Code, relating to the disposition of oil and dry gas revenues derived from public lands payable to the state.

[Approved by Governor July 19, 1966. Filed with Secretary of State July 20, 1966.]

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

SECTION 1. Section 6816 of the Public Resources Code is amended to read:

6816. All moneys and remittances received by the state pursuant to this chapter, except rents, bonuses, royalties and profits accruing from the use of state school land, shall be deposited in the State Treasury as follows and in the following order:

(a) To the credit of the General Fund such revenue as necessary to provide in any fiscal year for the following:

(1) For the payment of refunds, as authorized by the commission and approved by the State Board of Control, out of appropriations made for that purpose by the Legislature.

(2) For the payment of expenditures made by the commission to carry out the provisions of this chapter, including the acquisition of real property or interests therein, the purchase of materials and supplies, and the conducting of operations by the state as provided herein, the payment by the state of such sums as may be provided pursuant to agreements or contracts authorized herein, and the payments of the necessary expenses of the commission, from any appropriations made for such purposes.

(b) To the Capital Outlay Fund for Public Higher Education, all revenue in excess of the amount deposited in the General Fund pursuant to subdivision (a) of this section.

The commission may, with the approval of the State Board of Control, authorize the refund of moneys received or collected by it illegally or by mistake, inadvertence, or error. Claims authorized by the commission and approved by the State Board of Control shall be filed with the State Controller and the Controller shall draw his warrant against the General Fund in payment of such refund from any appropriation made for that purpose.

SEC. 1.5. Section 12.2 is added to Chapter 138 of the Statutes of 1964, First Extraordinary Session, to read:

12.2. During the fiscal years 1967–68, 1968–69, 1969–70, 1970–71 and 1971–72, two million dollars ($2,000,000) of the oil revenue and dry gas revenue payable to the State of Cali-

fornia under this act each year shall be deposited in the State Water Pollution Control Fund, after the amount provided for in Section 12 is deposited in the California Water Fund and the amount provided for in Section 12.1 is deposited in the Central Valley Water Project Construction Fund, and shall be available for expenditure, when appropriated by the Legislature, for capital outlay expenditures for works to prevent and correct water pollution.

SEC. 1.6. Section 12.3 is added to Chapter 138 of the Statutes of 1964, First Extraordinary Session, to read:

12.3. During the fiscal year 1966–67, three million dollars ($3,000,000) of the oil revenue and dry gas revenue payable to the State of California under this act that year is appropriated and shall be paid by the State Controller to the Southern California Rapid Transit District, after the amount provided for in Section 12 is deposited in the California Water Fund and the amount provided for in Section 12.1 is deposited in the Central Valley Water Project Construction Fund, and shall be available for expenditure by the rapid transit district for purposes of planning, surveying, engineering, preparing information and reports, publicizing and holding meetings and noticing and holding hearings as may be required or authorized by law for the development of an operating rapid transit system to benefit the residents of the district, including the expenses of the calling, giving notice of, holding and conducting of any bond election incurred by the rapid transit district.

SEC. 1.7. Section 12.4 is added to Chapter 138 of the Statutes of 1964, First Extraordinary Session, to read:

Sec. 12.4. All of the oil revenue and dry gas revenue payable to the State of California under this act each year shall be deposited in the Capital Outlay Fund for Public Higher Education, after the amount provided for in Section 12 is deposited in the California Water Fund, the amount provided for in Section 12.1 is deposited in the Central Valley Water Project Construction Fund, the amount provided for in Section 12.2 is deposited in the State Water Pollution Control Fund, and the amount provided for in Section 12.3 is paid to the Southern California Rapid Transit District.

SEC. 2. Chapter 1.5 (commencing with Section 22510) of Division 16.5, Part 4 is added to the Education Code, to read:

CHAPTER 1.5. CAPITAL OUTLAY FUND FOR PUBLIC HIGHER EDUCATION

22510. A fund in the State Treasury is hereby created, to be known as the Capital Outlay Fund for Public Higher Education. All money in the Capital Outlay Fund for Public Higher Education, including any money deposited in said fund from any source whatsoever after the effective date of this chapter, shall be available, when appropriated by the Legis-

lature, for expenditure for capital outlay purposes relating to public higher education including, but not limited to, acquisition of sites and construction of new institutions of public higher education thereon.

22511. As used in this chapter, "fund" means the Capital Outlay Fund for Public Higher Education.

22512. For purposes of this chapter "public higher education" shall consist of (1) all public junior colleges heretofore and hereafter established pursuant to law, (2) all state colleges heretofore and hereafter established pursuant to law, and (3) each campus, branch and function of the University of California heretofore and hereafter established by the Regents of the University of California.

22513. The Director of Finance shall cause all moneys in the fund which are in excess of current requirements to be invested and reinvested from time to time in securities described in Section 16430 of the Government Code, and such securities may be sold or exchanged if in his opinion such sale or exchange is in the best interests of the state in effectuating the purposes of this chapter. All income derived from such investment, reinvestment, sale, or exchange shall be credited to the fund.

SEC. 3. Section 1 of this act shall not become operative until July 1, 1967. However, notwithstanding any provision of law to the contrary, all amounts accruing to the California Water Fund pursuant to Section 6816 of the Public Resources Code during the 1966–67 fiscal year and which are appropriated for the purpose of making all or part of the transfers required by subdivision (b) of Section 17301 of the Education Code shall instead be transferred to the Capital Outlay Fund for Public Higher Education, to the extent that such amounts exceed the 1966–67 budgeted estimate for such purpose of thirty-six million six hundred thirteen thousand two hundred eleven dollars ($36,613,211).

SEC. 4. Notwithstanding any provision of the law to the contrary, the sum of nine hundred thousand dollars ($900,000) is hereby appropriated from the Motor Vehicle Transportation Tax Fund during the 1966–67 fiscal year to the State Controller to be available for payment by him to the Southern California Rapid Transit District and shall be available for expenditure for the purposes specified in Section 12.3, Chapter 138 of the Statutes of 1964 (1st Ex. Sess.). The amount so paid to the district shall be repaid to the Motor Vehicle Transportation Tax Fund in two equal installments in the 1967–68 and 1968–69 fiscal years and shall be repaid from the oil revenue and dry gas revenue payable to the State of California under Chapter 138 of the Statutes of 1964 (1st Ex. Sess.) after the amounts provided for in Sections 12, 12.1, and 12.2 are deposited in the funds specified therein.

CHAPTER 156

An act to provide for meeting the building needs of the state in public higher education by the adoption of a construction program therefor, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of said funds, making an appropriation therefor, and providing for the submission of the measure to the people at a special election to be consolidated with the 1966 general election.

[Approved by Governor July 19, 1966. Filed with Secretary of State July 20, 1966.]

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

SECTION 1. This act shall be known and may be cited, as the State Higher Education Construction Program Bond Act of 1966.

SEC. 2. The purpose of this act is to provide the necessary funds to meet the major building construction, equipment and site acquisition needs of the state for purposes of the University of California and the California State Colleges.

Proceeds of the bonds authorized to be issued under this act, in an amount or amounts which the Legislature shall determine, shall be used for site acquisitions for new institutions of public higher education which institutions are approved or authorized by the Legislature subsequent to the adoption of this act by the people.

SEC. 3. Bonds in the total amount of two hundred thirty million dollars ($230,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 2 of this act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Government Code Section 16724.5. Said bonds shall be known and designated as State Higher Education Construction Program bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

SEC. 4. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

SEC. 5. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this act, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 8 of this act, which sum is appropriated without regard to fiscal years.

SEC. 6. The proceeds of bonds issued and sold pursuant to this act, together with interest earned thereon, if any, shall be deposited in the State Construction Program Fund. The money so deposited in the fund shall be reserved and allocated solely for expenditure for the purposes specified in this act and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

SEC. 7. A section shall be included in the Budget Bill for each fiscal year bearing the caption State Higher Education Construction Bond Act Program. Said section shall contain proposed appropriations only for the program contemplated by this act, and no funds derived from the bonds authorized by this act may be expended pursuant to an appropriation not contained in said section of the Budget Act. The Department of Finance, which is hereby designated as the board for the purposes of this act, shall annually total the Budget Act appropriations referred to in this section and, pursuant to Section 16730 of the Government Code, request the State Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

SEC. 8. For the purposes of carrying out the provisions of this act the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this act. Any amounts withdrawn shall be deposited in the State Construction Program Fund, and shall be reserved, allocated for expenditure, and expended as specified in Section 6 of this act Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this act, together with interest at the rate of interest fixed in the bonds so sold.

SEC. 9. The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of said law are applicable to said bonds and to this act, and are hereby incorporated in this act as though set forth in full herein.

SEC. 10. The State Construction Program Committee is hereby created. The committee shall consist of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Director of the Coordinating Council for Higher Education. For the purpose of this act the State Construction Program Committee shall be "the committee" as that term is used in the State General Obligation Bond Law.

SEC. 11. Sections 1 to 10 of this act shall take effect upon the adoption by the people of the State Higher Education Construction Program Bond Act of 1966, as set forth in Sections 1 to 10 of this act. Sections 11 to 18 of this act contain provisions relating to and necessary for the submission of the State Higher Education Construction Program Bond Act of 1966 to the people and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 12. A special election is hereby called to be held throughout the state on the eighth day of November, 1966. The special election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act, and only one form of ballot and ballot pamphlet shall be used. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 13. At the special election called by this act there shall be submitted to the electors Sections 1 to 10 of this act.

SEC. 14. Upon the effective date of this section, the author of the measure submitted pursuant to this act and two members of the other house who voted with the majority on the measure, shall be appointed by the presiding officers of the respective houses to draft the arguments for the adoption of the measure. If the measure is not adopted unanimously by the house in which it originated, one member of the house in which it originated, who voted against it, shall be appointed by the presiding officer of that house to write an argument against it. If there are no negative votes on the measure in the house in which it originated, the presiding officer of that house shall appoint some qualified person to draft an argument against it. Each argument shall consist of not more than 500 words and shall be submitted to the Secretary of State on or before the fifth day after this section takes effect.

SEC. 15. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as pro-

visions thereof are applicable to the election provided for in this act

SEC. 16. All ballots at said election shall have printed thereon in boldface type and in a square thereof, the words: "For bonds to provide state college and university facilities." In the square immediately below the square containing such words there shall be printed on said ballot in boldface type the words: "Against bonds to provide state college and university facilities." In each square containing the language specified above, immediately below that language and enclosed in parentheses, there shall be printed, in 8-point type, the words: "This act provides for a bond issue of two hundred thirty million dollars ($230,000,000)." Opposite the words: "For bonds to provide state college and university facilities," and the language immediately following such statement, and "Against bonds to provide state college and university facilities," and the language immediately following such statement, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide state college and university facilities," and those voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide state college and university facilities"; provided that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, the use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The measures shall appear on the ballot and in the ballot pamphlets in substantially the following form:

FOR BONDS TO PROVIDE STATE COLLEGE AND UNIVERSITY FACILITIES. (This act provides for a bond issue of two hundred thirty million dollars ($230,000,000).)	
AGAINST BONDS TO PROVIDE STATE COLLEGE AND UNIVERSITY FACILITIES. (This act provides for a bond issue of two hundred thirty million dollars ($230,000,000).)	

The Governor of this state shall include the submission of the measure to the people, as aforesaid, in his proclamation calling for said election.

SEC. 17. If it appears that the measure shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal

and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against the measure then the same shall be and become void.

SEC. 18. Upon the effective date of this section the Secretary of State shall request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code.

CHAPTER 157

An act to repeal Section 3 of Chapter 47, Statutes of 1966, First Extraordinary Session, relating to the South Tahoe Public Utility District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1966. Filed with Secretary of State July 20, 1966]

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

SECTION 1. Section 3 of Chapter 47, Statutes of 1966, First Extraordinary Session, is repealed.

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

Increasing population and urbanization in the Lake Tahoe Basin has created a serious sewage disposal problem which requires immediate action. Chapter 47, Statutes of 1966, First Extraordinary Session, was enacted at this session as an urgency measure to solve this problem and to assure the maintenance of the quality of the water of Lake Tahoe and its tributaries. Chapter 47 contained a provision requiring any allocation to the South Tahoe Public Utility District for sewage effluent transportation facilities to be reduced by the amount of any grant of federal money made for assistance in financing any portion of such transportation facilities. It now appears that it will be impossible to finance these facilities with this requirement in the law. This act will eliminate this requirement and must go into immediate effect so that the immediate financing and construction of these urgently needed facilities may proceed.

CHAPTER 158

An act to add Section 155.7 to the Revenue and Taxation Code and to add Section 43010 to the Government Code, relating to property taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1966. Filed with Secretary of State July 20, 1966.]

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

SECTION 1. Section 155.7 is added to the Revenue and Taxation Code, to read:

155.7. Notwithstanding anything in this code to the contrary, the board of supervisors may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March 1965, was the owner of, or had in his possession, or under his control, any taxable property, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity, prior to December 31, 1965, in an area or region subsequently proclaimed by the Governor to be in a state of disaster may, within the time specified in the ordinance, make application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars ($1,000). The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

This section applies to all counties, whether operating under a charter or under the general laws of this state.

SEC. 2. Section 43010 is added to the Government Code, to read:

43010. Notwithstanding any other provision of law, the city legislative body may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March 1965, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity prior to December 31, 1965 in an area or region subsequently proclaimed by the Governor to be in a state of disaster, may, within the time specified in the ordinance, make application for the reassessment of such property and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of one thousand dollars ($1,000). The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him, as an erroneously collected tax.

This section shall apply to all cities, whether operating under a charter or the general laws of this state.

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

The recent disastrous riots within the County of Los Angeles, an area subsequently proclaimed by the Governor to be in a state of disaster has destroyed and damaged property to

such an extent that unless partial relief from taxation is given to the owners thereof, there is grave danger that they may be unable to pay the taxes currently levied thereon. Section 2.8 of Article XIII of the Constitution, as proposed to be amended, will authorize the Legislature to provide for reassessment in all such situations. In order that relief may be afforded at the earliest possible time to the people in these stricken areas, it is necessary that this act go into immediate effect.

SEC. 4. Sections 1 and 2 of this act shall be operative upon the effective date of the approval by the people of Assembly Constitutional Amendment No. 8 of the 1966 First Extraordinary Session.

CHAPTER 159

An act to to add Section 623 to the Revenue and Taxation Code, relating to assessment rolls.

[Approved by Governor July 19, 1966 Filed with Secretary of State July 20, 1966]

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

SECTION 1. Section 623 is added to the Revenue and Taxation Code, to read:

623. In counties of more than 1 million population, as determined by the July 1, 1965, census of the Department of Finance, which are contiguous to a county with more than 4 million population, the assessor, with the approval of the board of supervisors, may give the information required by Section 619, as an alternative to giving the information in the manner required by Sections 619 and 621, by having published lists of assessments in newspapers. For this purpose he may divide the county into publication areas not to exceed five in number. Within such areas the assessment listings may be grouped by assessment map books, by post office zones or by such other arrangements as may be determined by the assessor as most likely to give notice to assessees and as practicable for publication in local newspapers. The complete assessment data of one such area may be printed in one year, and for other areas in successive years as directed by him until the full county is covered. Each year at least all changes of assessment listings for all the areas shall be printed, together with a notice that no changes were made with regard to properties not on the list of changes, so that all changes will be on a current basis for the entire county. Newspapers for the publications shall be selected as they are for publication of the delinquent tax lists and the rate paid for the advertising shall be the same.

Neither the failure of the assessee to receive this information nor the failure of the assessor to so inform the assessee shall in any way affect the validity of any assessment or the validity of any taxes levied pursuant thereto.

CHAPTER 160

An act making an appropriation to the State Department of Education for financing costs related to the construction of a junior college to serve an area of acute poverty in Los Angeles County.

[Approved by Governor July 19, 1966 Filed with Secretary of State July 20, 1966]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury to the State Department of Education the sum of three hundred fifty thousand dollars ($350,000) or so much thereof as may be necessary, to finance the initial capital expenditures and the undertaking of an interim educational program in connection with the establishment of a junior college to be located near an area of acute poverty and within a junior college district having an average daily attendance of 40,000 or more situated within a county with a population in excess of 7,000,000 persons.

SEC. 2. The funds appropriated pursuant to Section 1 of this act shall be allocated by the State Board of Education upon the recommendation of the Superintendent of Public Instruction, to a junior college district which applies for the funds for the purpose described in Section 1.

SEC. 3. Of the moneys appropriated by Section 1, there shall be allocated pursuant to Section 2 an amount not to exceed ninety-six thousand dollars ($96,000) to be expended by the junior college district for architectural and engineering services in connection with the construction of a permanent campus for the junior college.

SEC. 4. Of the moneys appropriated by Section 1, there shall be allocated pursuant to Section 2 not to exceed two hundred fifty-four thousand dollars ($254,000) to be expended by the junior college district in establishing an interim junior college educational program for a limited number of students residing in the district, and in connection therewith, acquiring necessary facilities and equipment and employing necessary teaching and administrative personnel. The course of instruction and study prescribed for the interim educational program shall be based upon a study of the educational needs in the area in which the permanent campus of the junior college will be located, to the end that such course of instruction and study shall be directed to meeting those needs.

SEC. 5. The interim educational program provided for by Section 4 shall be located in suitable leased or rented quarters in the district, and shall commence during the month of September 1966, or as soon thereafter as practicable, and continue in operation until the permanent campus to be established pursuant to this act is available for use. However, direct state financing for the interim program shall not extend beyond the fiscal year ending June 30, 1969, and no apportionment for current support based upon average daily attendance shall be received from the state on account of the attendance and participation of pupils in the interim program to be established pursuant to this section.

SEC. 6. The allocation of funds to the junior college district pursuant to Section 4 of this act shall be conditioned upon the prior approval of the proposed facilities, quarters, and subject matter of the interim educational program, by the Superintendent of Public Instruction.

SEC. 7. It is the intent of the Legislature in enacting this act to finance the initial capital expenditures involved in the construction and establishment, to serve an area of acute poverty, of a junior college to be maintained by a junior college district, and to finance an interim instructional program. It is the further intent of the Legislature, by this act, to improve the employment opportunities of persons residing in areas of acute poverty in counties having large populations, by providing educational programs of a nature that will serve the social needs of that area, as well as offering instruction necessary to provide college transfer credit to accredited four-year institutions of higher learning. The program provided for by this act will also serve to upgrade the cultural and intellectual as well as the economic life of the poverty area to be served.

SEC. 8. Any amounts allocated and disbursed to a junior college district under Sections 2 and 3 of this act shall be a loan by the state to the district and shall be fully repaid by the district to the state within 10 years after the date of disbursement to the district. The loan shall be interest free for a period of not to exceed five years from the date of disbursement, and shall thereafter bear interest at such market rate as may be determined by the Director of Finance. Any such loan shall be recovered by the state by either of the following means:

(a) From the first proceeds of any state bonds for which an entitlement is established for the district after the effective date of this act under any law whatever. The amounts shall be recovered by reducing any such entitlement established for the district after the effective date of this act to any such bond proceeds, or by withholding from any disbursements of such bond proceeds to the district under such an entitlement an amount equal to that allocated to the district under Section 3.

(b) By deductions to be made annually, in equal amounts, from each of the February, March, April, and May installments of the apportionments made to any such district from the State School Fund under Chapter 2 (commencing with Section

17300) and Chapter 3 (commencing with Section 17601) of Division 14 of the Education Code. The annual repayment shall be determined by agreement between the Director of Finance and the Superintendent of Public Instruction. The deductions from apportionments shall be made by the State Controller and the amounts deducted shall be transferred to the General Fund.

CHAPTER 161

An act to add Section 18608 to the Business and Professions Code, and to add Section 29104 to the Corporations Code, and to add Sections 3500.5, 3501.5, and 3502.5 to, and Articles 1.3 (commencing with Section 3510) and 1.7 (commencing with Section 3520) to Chapter 1 of Division 4 of, the Elections Code, and to amend Section 100 of, to add Sections 399, 403, 9501.5, 12016, 12017, 12159, 12503, 12504, 12505, 68210, 68500.1, 68508, 68509, 68510, 68704, 68808, 69107, 69108, 69109, 69110, 69500.1, 69508, and 69741.5 to, and to add Article 5.5 (commencing with Section 12058) to Chapter 1 of Part 2 of Division 3 of Title 2 of, Chapter 1.3 (commencing with Section 68120) to Title 8 of, Article 3.5 (commencing with Section 68915) to Chapter 3 of Title 8 of, Article 3.6 (commencing with Section 68920) to Chapter 3 of Title 8 of, Chapter 4.5 (commencing with Section 69300) to Title 8 of, and Article 2.5 (commencing with Section 69560) to Chapter 5 of Title 8 of, the Government Code, relating to codification of various provisions to be omitted from the California Constitution in its revision, and providing for the submission of a portion thereof to the electors, to take effect immediately.

[Approved by Governor July 19, 1966. Filed with Secretary of State July 20, 1966.]

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

SECTION 1. Section 29104 is added to the Corporations Code, to read:

29104. All contracts for the purchase or sale of shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and contemplating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the same, or any money paid thereon, in any court of this state.

SEC. 2. Section 3500.5 is added to the Elections Code, to read:

3500.5. Prior to circulation of any initiative or referendum petition for signatures thereof, a draft of the said petition

shall be submitted to the Attorney General with a written request that he prepare a title, and summary of the chief purpose and points of said proposed measure, said title and summary not to exceed 100 words in all. The persons presenting such request to the Attorney General shall be known as "proponents" of said proposed measure. The Attorney General shall preserve said written request until after the next general election.

SEC. 3. Section 3501.5 is added to said code, to read:

3501.5. If for any reason any initiative or referendum measure, proposed by petition as provided by this article, is not submitted to the voters at the next succeeding general elec tion, such failure shall not prevent its submission at a succeeding general election.

SEC. 4. Section 3502.5 is added to said code, to read:

3502.5. All such initiative petitions shall have printed across the top thereof in 12-point blackface type the following: "Initiative measure to be submitted directly to the electors."

SEC. 5. Article 1.3 (commencing with Section 3510) is added to Chapter 1 of Division 4 of said code, to read:

Article 1.3. Petition Signatures

3510. Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure.

3511. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same.

3512. Any qualified elector of the state shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section.

3513. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths.

3514. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be pre-

sumed that the petition presented contains the signatures of the requisite number of qualified electors.

SEC. 6. Article 1.7 (commencing with Section 3520) is added to Chapter 1 of Division 4 of said code, to read:

Article 1.5. Filing Petitions

3520. (a) Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all sections circulated in any county or city and county shall be filed at the same time.

(b) Within 20 days after the filing of such petition in his office the clerk or registrar of voters shall determine from the records of registration what number of qualified electors have signed the petition and if necessary the board of supervisors shall allow the clerk or registrar additional assistance for the purpose of examining the petition and provide for their compensation.

(c) The clerk or registrar, upon the completion of the examination, shall immediately attach to the petition, except the signatures thereto appended, his certificate, properly dated, showing the result of the examination and shall immediately transmit the petition, together with his certificate, to the Secretary of State and also file a copy of the certificate in his office.

(d) Within 40 days from the transmission of the petition and certificate by the clerk or registrar to the Secretary of State, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid.

3521. The right to file the original petition shall be reserved to its proponents, and any section thereof or supplement thereto presented for filing by any person or persons other than the proponents of a measure or by persons duly authorized in writing by the proponents shall be disregarded by the county clerk or registrar of voters.

3522. The clerk or registrar of voters shall within 10 days after the filing of a supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the Secretary of State.

3523. When the Secretary of State shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the state his certificate showing such fact. A petition shall be deemed to be filed with the Secretary

of State upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the state. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office. The duties imposed by this article upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exist.

SEC. 8. Section 100 of the Government Code is amended to read:

100. (a) The sovereignty of the state resides in the people thereof, and all writs and processes shall issue in their name.

(b) The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 8.5. Section 399 is added to Chapter 1 of Division 2 of Title 1 of the Government Code, to read:

399. (a) There shall be a seal of this state, which shall be called "The Great Seal of the State of California."

(b) The Great Seal of the state shall be kept by the Governor and used by him officially.

SEC. 8.7. Section 403 is added to said code, to read:

403. All grants and commissions shall be kept in the name and by the authority of the people of the State of California, sealed with the Great Seal of the state, signed by the Governor, and countersigned by the Secretary of State.

SEC. 9. Section 9501.5 is added to said code, to read:

9501.5. The enacting clause of every law shall be "The people of the State of California do enact as follows:".

SEC. 9.3. Section 12016 is added to the Government Code, to read:

12016. The budget required by the State Constitution to be submitted by the Governor at each regular session of the Legislature shall contain a complete plan and itemized statement of all proposed expenditures of the state provided by existing law or recommended by him, and all of its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for the ensuing fiscal year, together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the last completed fiscal year and the actual revenues and expenditures for the existing fiscal year.

SEC. 9.4. Section 12017 is added to the Government Code, to read:

12017. At each session the Governor shall report to the Legislature each reprieve, pardon, and commutation granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, the date of the pardon, reprieve or commutation, and the reasons for granting the same.

SEC. 9.45. Article 5.5 (commencing with Section 12058) is added to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 5.5. Succession to the Office of Governor

12058. In case of vacancy in the office of Governor and in the office of Lieutenant Governor, the last duly elected President pro Tempore of the Senate shall become Governor for the residue of the term; or if there be no President pro Tempore of the Senate, then the last duly elected Speaker of the Assembly shall become Governor for the residue of the term; or if there be none, then the Secretary of State; or if there be none, then the Attorney General; or if there be none, then the Treasurer; or if there be none, then the Controller; or if, as the result of a war or enemy-caused disaster, there be none, then such person designated as provided by law. In case of impeachment of the Governor or officer acting as Governor, his absence from the state, or his other temporary disability to discharge the powers and duties of office, then the powers and duties of the office of Governor devolve upon the same officer as in the case of vacancy in the office of Governor, but only until the disability shall cease.

12058.5. In case of the death, disability or other failure to take office of the Governor-elect, whether occurring prior or subsequent to the returns of election, the Lieutenant Governor-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect and shall, in the case of death, be Governor for the full term or, in the case of disability or other failure to take office, shall act as Governor until the disability of the Governor-elect shall cease.

12059. In case of the death, disability or other failure to take office of both the Governor-elect and the Lieutenant Governor-elect, the last duly elected President pro Tempore of the Senate, or in case of his death, disability, or other failure to take office, the last duly elected Speaker of the Assembly, or in case of his death, disability, or other failure to take office, the Secretary of State-elect, or in case of his death, disability, or other failure to take office, the Attorney General-elect, or in case of his death, disability, or other failure to take office, the Treasurer-elect, or in case of his death, disability, or other failure to take office, the Controller-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect. Such person shall, in the case of death, be Governor for the full term or in the case of disability or other failure to take office shall act as Governor until the disability of the Governor-elect shall cease.

SEC. 9.5. Section 12159 is added to Article 2 of Chapter 3 of Part 2 of Division 3 of Title 2 of said code, to read:

12159. The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same and all matters relative thereto before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

SEC. 9.6. Section 12503 is added to the Government Code, to read:

12503. No person shall be eligible to the office of Attorney General unless he shall have been admitted to practice before the Supreme Court of the state for a period of at least five years immediately preceding his election or appointment to such office.

SEC. 9.7. Section 12504 is added to the Government Code, to read:

12504. The Attorney General shall not engage in the private practice of law, nor shall he be associated directly or indirectly with any attorney in private practice, but instead he shall devote his entire time to the service of the state.

SEC. 9.8. Section 12505 is added to said code, to read:

12505. The Attorney General shall receive the same salary as that now or hereafter prescribed by law for an Associate Justice of the Supreme Court.

SEC. 10. Chapter 1.3 (commencing with Section 68120) is added to Title 8 of said code, to read:

CHAPTER 1.3. ELECTIONS OF JUSTICES AND JUDGES OF COURTS OF RECORD

68120. A declaration of candidacy for election or a nomination by the Governor, made pursuant to Section 17(d) of Article VI of the California Constitution, shall be filed with the officer charged with the duty of certifying nominations for publication in the official ballot.

68121. A confirmation by the Commission on Judicial Appointments, pursuant to Section 17(d) of Article VI of the California Constitution, shall not be effective unless filed in writing with the Secretary of State.

68122. If two or more presiding justices designated in Section 7 of Article VI of the California Constitution shall have served terms of equal length they shall choose the one who is to be a member of the Commission on Judicial Appointments by lot, whenever occasion for action arises.

SEC. 11. Section 68210 is added to said code, to read:

68210. No judge of a court of record shall receive his salary unless he shall make and subscribe before an officer entitled to administer oaths, an affidavit stating that no cause before him remains pending and undetermined for 90 days after it has been submitted for decision.

SEC. 12. Section 68500.1 is added to said code, to read:

68500.1. The Clerk of the Supreme Court shall serve as secretary of the Judicial Council.

SEC. 13. Section 68508 is added to said code, to read:

68508. No act of the Judicial Council shall be valid unless concurred in by a majority of its members.

SEC. 14. Section 68509 is added to said code, to read:

68509. The Judicial Council shall meet at the call of its chairman or as otherwise provided by it.

SEC. 15. Section 68510 is added to said code, to read:

68510. No member of the Judicial Council shall receive any compensation for his services as such, but he shall be allowed his necessary expenses for travel, board and lodging incurred in the performance of his duties as such. Any judge assigned to a court wherein a judge's compensation is greater than his own shall receive while sitting therein the compensation of a judge thereof. The extra compensation shall be paid in such manner as may be provided by law. Any judge assigned to a court in a county other than that in which he regularly sits shall be allowed his necessary expenses for travel, board, and lodging incurred in the discharge of the assignment.

SEC. 16. Section 68704 is added to said code, to read:

68704. No act of the commission shall be valid unless concurred in by a majority of its members. The commission shall select one of its members to serve as chairman.

SEC. 17. Section 68808 is added to said code, to read:

68808. Each of the justices of the Supreme Court shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court or before any court of appeal, or before any justice thereof, or before any superior court in the state, or before any judge thereof.

SEC. 18. Article 3.5 (commencing with Section 68915) is added to Chapter 3 of Title 8 of said code, to read:

Article 3.5. Transfer of Cases Appealed to the Supreme Court and Courts of Appeal

68915. No appeal taken to the Supreme Court or to a court of appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein, as if regularly appealed thereto.

SEC. 19. Article 3 6 (commencing with Section 68920) is added to Chapter 3 of Title 8 of said code, to read:

Article 3.6. Clerks and Reporters of the Supreme Court and Courts of Appeal

68920. The Supreme Court shall appoint a Clerk of the Supreme Court. Said court may also appoint a reporter and assistant reporters of the decisions of the Supreme Court and of the courts of appeal. Each of the courts of appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed.

SEC. 20. Section 69107 is added to said code, to read:

69107. Upon the creation of any additional division of the court of appeal the Governor shall appoint three persons to serve as justices thereof as provided in Section 17(d) of Article VI of the California Constitution. The justices of said division elected at such general election shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of 12 years, and entry of such classification shall be made in the minutes of said division, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State.

SEC. 21. Section 69108 is added to said code, to read:

69108. The courts of appeal in the First, Second and Third Appellate Districts shall always be open for the transaction of business.

SEC. 22. Section 69109 is added to said code, to read:

69109. Each of the justices of the courts of appeal shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the court of appeal of his district, or before any superior court within his district, or before any judge thereof.

SEC. 23. Section 69110 is added to said code, to read:

69110. (a) Superior courts, municipal courts and justices' courts in cities having a population of more than 40,000 inhabitants shall always be open, legal holidays and nonjudicial days excepted. The process of superior courts shall extend to all parts of the state; provided, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated.

(b) Injunctions and writs of prohibition may be issued and served on legal holidays and nonjudicial days. The process of any municipal court shall extend to all parts of the county or city and county in which the city is situated where such court is established, and to such other parts of the state as may be provided by law, and such process may be executed or enforced in such manner as the Legislature shall provide.

SEC. 24. Chapter 4.5 (commencing with Section 69300) is added to Title 8 of said code, to read:

CHAPTER 4.5. BASIC INSTRUCTIONS TO JURIES

69300. (a) The court may instruct the jury regarding the law applicable to the facts of the case.

(b) The court shall inform the jury in all cases that the jurors are the exclusive judges of all questions of fact submitted to them and of the credibility of the witnesses.

SEC. 25. Section 69500.1 is added to said code, to read:

69500.1. The provisions of this section apply to the superior courts in any county or city and county containing a population of more than 700,000 as determined by the last preceding federally published decennial census.

When only the incumbent has filed nomination papers for the office of judge, his name shall not appear on the ballot unless there is filed with the county clerk or registrar of voters, within 20 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office.

If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the county clerk or registrar of voters not less than 45 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary ballot.

If in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the clerk or registrar of voters, on the day of the general election, shall declare the incumbent reelected.

SEC. 26. Section 69508 is added to said code, to read:

69508. The judges of each superior court in which there are more than two judges sitting, shall choose, from their own number, a presiding judge, who may be removed as such at their pleasure. Subject to the regulations of the Judicial Council, he shall distribute the business of the court among the judges, and prescribe the order of business.

SEC. 27. Article 2.5 (commencing with Section 69560) is added to Chapter 5 of Title 8 of said code, to read:

Article 2.5. Reduction of Number of Judges in Superior Court

69560. If the Legislature diminishes the number of judges of the superior court in any county or city and county, the offices which first become vacant, to the number of judges diminished, shall be deemed to be abolished.

SEC. 28. Section 69741 5 is added to said code, to read:

69741.5. There may be as many sessions of a superior court, at the same time, as there are judges elected, appointed or assigned thereto. The judgments, orders, and proceedings of any session of a superior court, held by any one or more of the judges sitting therein, shall be equally effectual as though all the judges of said court presided at such session.

SEC. 30. Section 18608 is added to the Business and Professions Code, to read:

18608. The Legislature may amend, revise, or supplement any part of that certain initiative act relating to boxing and

wrestling, approved by the electors on November 4, 1924, as embodied in Chapter 2 (commencing with Section 18600) of Division 8 of the Business and Professions Code.

SEC. 31. (a) A special election is hereby called to be held throughout the state on the same day that Assembly Constitutional Amendment No. 13 of the 1966 First Extraordinary Session is submitted to the people. The special election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this section, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this section. A ballot pamphlet shall be prepared, compiled, and distributed relating to such measure. The Secretary of State shall distribute the ballot pamphlets to the county clerks not less than 30 days before the election, and the county clerks shall commence to mail these pamphlets to the voters not less than five days before the election. The distribution of ballot pamphlets in all other respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

(b) At the special election called by this section there shall be submitted to the electors Section 30 of this act.

(c) The special election provided for in this section shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed, and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the laws governing general elections insofar as provisions thereof are applicable to the election provided for in this section; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

(d) Upon the effective date of this section the Secretary of State shall request the Attorney General to prepare a ballot title for the measure and shall also request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code. The title and analysis shall be filed with the Secretary of State within five days after the effective date of this section. The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

(e) This section, inasmuch as it provides for the calling of an election, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

SEC. 32. Sections 30 and 31 of this act shall become operative only if Assembly Constitutional Amendment No. 13 of the 1966 First Extraordinary Session is passed by the Legislature. Section 30 of this act shall become operative only if such constitutional amendment is passed by the Legislature and approved by the people and Section 30 of this act is approved by the people.

SEC. 33. Except as otherwise provided in Sections 31 and 32 of this act, this act shall become operative only if Assembly Constitutional Amendment No. 13 of the 1966 First Extraordinary Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 13.

CHAPTER 162

An act to add Article 7 (commencing with Section 12070) to Chapter 1 of Part 2, Division 3, Title 2 of the Government Code, relating to the Governor.

[Approved by Governor July 19, 1966 Filed with Secretary of State July 20, 1966]

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

SECTION 1. Article 7 (commencing with Section 12070) is added to Chapter 1 of Part 2, Division 3, Title 2 of the Government Code, to read:

Article 7. Commission on the Governorship

12070. There is in the state government a Commission on the Governorship, consisting of the President pro Tempore of the Senate, the Speaker of the Assembly, the President of the University of California, the Chancellor of the California State Colleges, and the Director of Finance.

12071. The commission shall have exclusive authority to petition the Supreme Court to determine any questions that arise relating to vacancies in and succession to the office of Governor.

12072. The commission shall have exclusive authority to petition the Supreme Court to decide any questions relating to the existence of a temporary disability of the Governor.

12073. The commission shall have exclusive authority to petition the Supreme Court to decide any questions relating to the termination of the temporary disability of the Governor.

12074. The President pro Tempore of the Senate shall be chairman of the commission and the Speaker of the Assembly shall be vice chairman. The commission shall meet at the times and places designated by the chairman, and, in his absence, the times and places designated by the vice chairman.

12075. The commission may file a petition pursuant to Sections 12071, 12072, or 12073 only if a majority of the members of the commission vote to take such action.

12076. The commission shall have the power of a head of a department to make investigations to determine whether or not a petition should be filed pursuant to this article. Every state agency shall, on request of the commission, make available to

the commission the facilities and personnel of the agency to enable the commission to perform its functions.

SEC. 2. Section 1 of this act shall become operative only if Assembly Constitutional Amendment No. 13, 1966 First Extraordinary Session, revising Article V of the California Constitution, is passed by the Legislature and adopted by the people, in which event Section 1 of this act shall become operative at the same time as the provisions of said Assembly Constitutional Amendment No. 13.

CHAPTER 163

An act to amend and renumber the heading of Chapter 1 (commencing with Section 9000) of Part 1 of Division 2 of Title 2 of, and to add Chapter 1 (commencing with Section 8900) to Part 1 of Division 2 of Title 2 of, and to add Sections 9359.11, 9359.12, and 9360.10 to, the Government Code, relating to public officers and employees.

[Approved by Governor July 19, 1966. Filed with Secretary of State July 20, 1966.]

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

SECTION 1. The heading of Chapter 1 (commencing with Section 9000) of Part 1 of Division 2 of Title 2 of the Government Code is amended and renumbered to read:

CHAPTER 1.5. GENERAL

SEC. 2. Chapter 1 (commencing with Section 8900) is added to Part 1 of Division 2 of Title 2 of the Government Code, to read:

CHAPTER 1. LEGISLATIVE ORGANIZATION

Article 1. Legislative Compensation

8900. From the operative date of this section until noon of January 2, 1967, each Member of the Legislature shall receive as compensation for his services six thousand dollars ($6,000) annually, during the term for which he was elected, payable at the rate of five hundred dollars ($500) per month.

8901. Commencing at noon on January 2, 1967, each Member of the Legislature shall receive as compensation for his services sixteen thousand dollars ($16,000) per year, during the term for which he was elected, payable in equal monthly amounts.

8902 During such times as a Member of the Legislature is required to be in Sacramento to attend a session of the Legislature and during such times as a member is traveling

to and from, or is in attendance at, any meeting of a committee of which he is a member or is attending to any other legislative function or responsibility as authorized or directed by the rules of the house of which he is a member or by the joint rules, he shall be entitled to reimbursement of his living expenses at the same rate as may be established by the State Board of Control for other elected state officers.

8903. When traveling to and from a session of the Legislature, or when traveling to and from a meeting of a committee of which he is a member, or when traveling pursuant to any other legislative function or responsibility as authorized or directed by the rules of the house of which he is a member or by the joint rules, when such travel is by a common carrier of passengers, a Member of the Legislature shall be entitled to reimbursement for the actual costs of travel by the common carrier. If the member travels by other means and common carrier service is available and feasible he shall be reimbursed in the amount of the fare of available common carrier service. If common carrier service is unavailable or not feasible, a member shall be reimbursed at the rate of fifteen cents ($0.15) per mile. No mileage shall be allowed or paid for travel in a conveyance owned or provided by and at the expense of a public agency. As used in this section "common carrier" means carrier by aircraft, railroad, bus, or vessel.

Article 2. Code of Ethics

8920. (a) No Member of the Legislature, state elective officer or appointee of any such officer, or judge or justice shall, while serving as such, have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state

(b) No Member of the Legislature shall, during the term for which he was elected:

(1) Accept other employment which he has reason to believe will either impair his independence of judgment as to his official duties or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties;

(2) Willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him in the course of and by reason of his official duties or use any such information for the purpose of pecuniary gain;

(3) Accept or agree to accept, or be in partnership with any person who accepts or agrees to accept, any employment, fee, or other thing of value, or portion thereof, in consideration of his appearing, agreeing to appear, or taking any other action on behalf of another person regarding a licensing or regulatory matter, before any state board or agency which is

established by law for the primary purpose of licensing or regulating the professional activity of persons licensed, pursuant to state law; provided, that this section shall not be construed to prohibit a member who is an attorney at law from practicing in such capacity before the Workmen's Compensation Appeals Board or the Commissioner of Corporations, and receiving compensation therefor, or from practicing for compensation before any state board or agency in connection with, or in any matter related to, any case, action, or proceeding filed and pending in any state or federal court; and provided that this section shall not act to prohibit a member from making inquiry for information on behalf of a constituent before a state board or agency, if no fee or reward is given or promised in consequence thereof; and provided that the prohibition contained in this subdivision shall not apply to a partnership in which the Member of the Legislature is a member if the Member of the Legislature does not share directly or indirectly in the fee resulting from the transaction; and provided that the prohibition contained in this subdivision shall not apply in connection with any matter pending before any state board of agency on the operative date of this subdivision if the affected Member of the Legislature is attorney of record or representative in the matter prior to such operative date;

(4) Receive or agree to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance or other matter related to the legislative process, except fees for speeches or published works on legislative subjects and except, in connection therewith, reimbursement of expenses for actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of California;

(5) Participate, by voting or any other action, on the floor of either house, or in committee or elsewhere, in the enactment or defeat of legislation in which he has a personal interest, except as follows:

(i) If, on the vote for final passage by the house of which he is a member, of the legislation in which he has a personal interest, he first files a statement (which shall be entered verbatim on the journal) stating in substance that he has a personal interest in the legislation to be voted on and notwithstanding such interest, he is able to cast a fair and objective vote on such legislation, he may cast his vote without violating any provision of this article;

(ii) If the member believes that, because of his personal interest, he should abstain from participating in the vote on the legislation, he shall so advise the presiding officer prior to the commencement of the vote and shall be excused from voting on the legislation without any entry on the journal of the fact of his personal interest. In the event a rule of the house, requiring that each member who is present vote aye

or nay is invoked, the presiding officer shall order the member excused from compliance and shall order entered on the journal a simple statement that the member was excused from voting on the legislation pursuant to law.

8921. A person subject to this article has an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed in the laws of this state or a personal interest, arising from any situation, within the scope of this article, if he has reason to believe or expect that he will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. He does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state or a personal interest, arising from any situation, within the scope of this article, if any benefit or detriment accrues to him as a member of a business, profession, occupation, or group to no greater extent than any other member of such business, profession, occupation, or group.

8922. A person subject to the provisions of this article shall not be deemed to be engaged in any activity which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, arising from any situation, or to have a personal interest, arising from any situation, within the scope of this article, solely by reason of any of the following:

(a) His relationship to any potential beneficiary of any situation is one which is defined as a remote interest by Section 1091 of this code or is otherwise not deemed to be a prohibited interest by Sections 1091.1 or 1091.5.

(b) Receipt of a campaign contribution regulated, received, reported, and accounted for pursuant to Division 8 (commencing with Section 11500) of the Elections Code, so long as the contribution is not made on the understanding or agreement, in violation of law, that the person's vote, opinion, judgment, or action will be influenced thereby.

8923. The enumeration in this article of specific situations or conditions which are deemed not to result in substantial conflicts with the proper discharge of the duties and responsibilities of a legislator or legislative employee or in a personal interest shall not be construed as exclusive.

The Legislature in enacting this chapter recognizes that Members of the Legislature and legislative employees may need to engage in employment, professional, or business activities other than legislative activities, in order to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of the chapter. However, in construing and administering the provisions of the chapter, weight should be given to any coincidence of income,

employment, investment, or other profit from sources which may be identified with the interests represented by those sources which are seeking action of any character on matters then pending before the Legislature.

8924. No employee of either house of the Legislature shall, during the time he is so employed, commit any act or engage in any activity prohibited by any part of this article.

8925. No person shall induce or seek to induce any Member of the Legislature to violate any part of this article.

8926. Every person who knowingly and willfully violates any part of this article is guilty of a misdemeanor. Every person who conspires to violate any part of this article is guilty of a felony.

Article 3. Joint Legislative Ethics Committee

8940. The Joint Legislative Ethics Committee is hereby created. The committee shall consist of three Members of the Senate and three Members of the Assembly who shall be selected in the manner provided for in the Joint Rules of the Senate and Assembly. Of the three members appointed from each house, at least one from each house shall be a member of the political party having the largest number of members in that house and at least one from each house shall be a member of the political party having the second largest number of members in that house. The committee shall elect its own chairman. Vacancies occurring in the membership of the committee shall be filled in the manner provided for in the Joint Rules of the Senate and Assembly. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever such member is not reelected at the general election.

8941. The committee is authorized to make rules governing its own proceedings. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee.

Prior to the issuance of any subpoena by the committee with respect to any matter before the committee, it shall by a resolution adopted by a vote of two members of the committee from each house of the Legislature define the nature and scope of its investigation in the matter before it.

8942. Funds for the support of the committee shall be provided from the Contingent Funds of the Assembly and the Senate in the same manner that such funds are made available to other joint committees of the Legislature.

8943. The committee shall have power, pursuant to the provisions of this article, to investigate and make findings and recommendations concerning alleged violations by Members of the Legislature of the provisions of Article 2 of this chapter.

8944. Any person may: (a) file with the committee a verified complaint in writing which shall state the name of the Member of the Legislature alleged to have committed the vio-

lation complained of, and which shall set forth the particulars thereof, or (b) file a complaint concerning the alleged violation by a Member of the Legislature with the district attorney of the appropriate county.

If a person files a complaint with respect to any alleged violation by a Member of the Legislature with the committee, he may not thereafter file a complaint to institute a criminal prosecution for such violation until the committee has rendered its report or until a period of 120 days has elapsed since the filing of the complaint. If a complaint is filed with the appropriate district attorney by any person concerning an alleged violation by a Member of the Legislature of any provision of Article 2, such person may not thereafter file a complaint with respect to such alleged violation with the committee.

If a complaint is filed with the committee, the committee shall promptly send a copy of the complaint to the Member of the Legislature alleged to have committed the violation complained of, who shall thereafter be designated as the respondent.

No complaint may be filed with the committee after the expiration of six months from the date upon which the alleged violation occurred.

8945. If the committee determines that the verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Article 2 of this chapter, it shall dismiss the complaint and notify the complainant and respondent thereof. If the committee determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Article 2 of this chapter, the committee shall promptly investigate the alleged violation and, if after such preliminary investigation, the committee finds that probable cause exists for believing the allegations of the complaint, it shall fix a time for a hearing in the matter, which shall be not more than 30 days after such finding. If, after the preliminary investigation, the committee finds that probable cause does not exist for believing the allegations of the complaint, the committee shall dismiss the complaint. In either event the committee shall notify the complainant and respondent of its determination.

8946. After the complaint has been filed the respondent shall be entitled to examine and make copies of all evidence in the possession of the committee relating to the complaint.

8947. If a hearing is to be held pursuant to Section 8945 the committee, before the hearing has commenced, shall issue subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Chapter 4 (commencing with Section 9400), Part 1, Division 2, Title 2 of the Government Code. All of the provisions of Chapter 4,

except Section 9410, shall be applicable to the committee and the witnesses before it.

8948. At any hearing held by the committee:

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(c) The hearing shall be open to the public.

8949. Any official or other person whose name is mentioned at any investigation or hearing of the committee and who believes that testimony has been given which adversely affects him, shall have the right to testify or, at the discretion of the committee, to file a statement of facts under oath relating solely to the material relevant to the testimony of which he complains.

8950. After the hearing the committee shall state its findings of fact. If the committee finds that the respondent has not violated any provisions of Article 2 of this chapter, it shall order the action dismissed, and shall notify the respondent and complainant thereof and shall also transmit a copy of the complaint and the fact of dismissal to the Attorney General and to the district attorney of the appropriate county. If the committee finds that the respondent has violated any provisions of Article 2 of this chapter, it shall state its findings of fact and submit a report thereon to the house in which the respondent serves, send a copy of such findings and report to the complainant and respondent, and the committee shall also report thereon to the Attorney General and to the district attorney of the appropriate county.

8951. Nothing in this chapter shall preclude any person from instituting a prosecution for violation of any provision of Article 2 of this chapter unless such person has filed a complaint with the committee concerning such violation, in which case such person may not file a complaint with the district attorney of the appropriate county to institute a criminal prosecution for such violation until the committee has made its determination of the matter or a period of 120 days has elapsed since the filing of the complaint with the committee.

8952. The filing of a complaint with the committee pursuant to this article suspends the running of the statute of limitations applicable to any violation of the provisions of Article 2 of this chapter while such complaint is pending.

8953. The committee shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, reports filed with or submitted to or made by the committee, and all records and transcripts of any investigations, inquiries or hearings of the committee under this article shall be deemed confidential and shall not be open to inspection by any person other than a member of the committee, an employee of the committee, or a state employee designated to

assist the committee, except as otherwise specifically provided in this article. The committee may, by adoption of a resolution, authorize the release to the Attorney General or to the district attorney of the appropriate county of any information, records, complaints, documents, reports, and transcripts in its possession material to any matter pending before the Attorney General or the district attorney. All matters presented at a public hearing of the committee and all reports of the committee stating a final finding of fact pursuant to Section 8950 shall be public records and open to public inspection. Any employee of the committee who divulges any matter which is deemed to be confidential by this section is guilty of a misdemeanor.

8954. All actions of the committee shall require the concurrence of two members of the committee from each house.

8955. The committee may render advisory opinions to Members of the Legislature with respect to the provisions of Article 2 of this chapter and their application and construction The committee may secure an opinion from the Legislative Counsel for this purpose or issue its own opinion.

SEC. 3. Section 9359.11 is added to the Government Code, to read:

9359.11. Any contrary provisions of Section 9359.1 notwithstanding, in computing the retirement allowance of a legislator member of the Legislators' Retirement System whose service as a legislator ended prior to the term commencing in 1967, the salary to which the applicable formula shall be applied shall be five hundred dollars ($500) per month, and any increase in salary of legislators above such amount shall be disregarded for such purpose.

SEC. 4. Section 9359.12 is added to the Government Code, to read:

9359.12. (a) Any contrary provisions of Section 9359.1 or Section 9360.9 notwithstanding, and subject to the further limitations in subdivision (b), the retirement allowance of any member of the Legislators' Retirement System who serves as a legislator during or after the term commencing in 1967 shall be the sum of: (1) the amount determined by application of the formula provided by Section 9359.1 to the first five hundred dollars ($500) per month of salary payable to the legislator at the time of his retirement, plus (2) an amount equal to 3 percent of the amount of such salary in excess of five hundred dollars ($500) per month multiplied by the number of years the member has served in the Legislature, or two-thirds of the amount of such salary payable to the legislator at the time of his retirement, whichever is the lesser, plus, in the case of members credited with service prior to the term commencing in 1967, an amount equal to a cost-of-living increase computed under Section 9360.9 as of January 1, 1967, on that portion of the allowance based on five hundred dollars ($500) per month, and said total to be further adjusted to reflect cost-of-living

increases occurring after the member's retirement as determined under Section 9360.10.

(b) During such time as he serves in any salaried public office any retired member of the Legislators' Retirement System who served as a legislator during or after the term commencing in 1967 shall receive a retirement allowance computed by application of the formula set forth in Section 9359.1 to a salary of five hundred dollars ($500), and any increase in salary above such amount shall, for such purpose, be disregarded.

SEC. 5. Section 9360.10 is added to the Government Code, to read:

9360.10. On or before January 15, 1968, and on or before January 15 of each year thereafter, the amount of any allowances provided by this chapter and not subject to Section 9360.9 shall be adjusted by the board to reflect any increase in cost of living occurring after January 1 of the immediately preceding fiscal year. 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. The cost-of-living increase shall equal or exceed 1 percent before any adjustment is made in the allowance. The adjustment provided by this section shall be made only if it operates to effect an increase over the allowance payable for the calendar year immediately preceding.

SEC. 6. This act shall become operative only in the event that Assembly Constitutional Amendment No. 13 of the 1966 First Extraordinary Session is adopted by the people, in which case this act shall become operative at the time the 1967 Regular Session of the Legislature is convened except that Section 8900 of the Government Code as added by this act shall become operative at the same time as Assembly Constitutional Amendment No. 13. Upon becoming operative, the provisions of this act shall supersede any conflicting provisions of any other law.

SEC. 7. This act shall be known and may be cited as the Gibson-Waldie-Lanterman Act.

CHAPTER 164

An act relating to areawide taxes for support of public school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1966 Filed with Secretary of State July 20, 1966]

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

SECTION 1. Notwithstanding any provisions of law to the contrary, the school district taxes and the areawide taxes to be

levied and collected for the 1966–1967 fiscal year shall be subject to the limitations and requirements prescribed by this act for any joint union high school district and the elementary school districts included therein, which districts comprised a territory within which areawide taxes were levied and collected in the 1965–1966 fiscal year pursuant to Chapter 3.5 (commencing with Section 20910) of Division 16 of the Education Code, and with respect to which territory and districts both of the following sets of conditions apply:

(a) Areawide taxes were levied and collected within the territory during the 1965–1966 fiscal year at either or both of the rates (as adjusted pursuant to Section 17262 of the Education Code) specified in subdivisions (a) and (b) of Section 17702.2, and without reduction based upon the reductions in computed areawide aid required by Section 17202.2; and

(b) One or more governing boards of school districts within the territory, by administrative error or omission and in reliance upon the supposition that areawide taxes for the 1966–1967 fiscal year would again be levied and collected at the same rates (as adjusted pursuant to Section 17262 of the Education Code) as were applied in the 1965–1966 fiscal year, have obligated the district or districts to incur expenditures in the 1966–1967 fiscal year which will be in excess of district incomes for such fiscal year if areawide taxes to be levied and collected in the territory are reduced on the basis of reductions in areawide aid required to be made by Section 17702.2.

The determination of whether the circumstances in subdivision (b) exist shall be made, on or before July 1, 1966, by the board of supervisors of the county in which is situated the majority of the total assessed valuation of property within the school district territory involved.

SEC. 2. For support of school districts coming within the provisions of Section 1, for the 1966–1967 fiscal year, there shall be levied and collected, in addition to school district taxes to be levied and collected as otherwise provided by law, and the areawide taxes required to be levied and collected under Chapter 3.5 (commencing with Section 20910) of Division 16 of the Education Code, additional areawide taxes at a rate of five cents ($0.05) per one hundred dollars ($100) of assessed valuation of property, or at a lesser rate determined by the county superintendent of schools having jurisdiction of a majority of the school districts to which Section 1 applies. Any such determination by the county superintendent shall be made on or before July 15, 1966. The additional areawide taxes shall be levied and collected in the manner prescribed by Chapter 3.5 (commencing with Section 20910) of Division 16 of the Education Code within the territory described in Section 1.

SEC. 3. Notwithstanding any provisions of Chapter 3.5 (commencing with Section 20910) of Division 16 of the Edu-

cation Code to the contrary, the proceeds of the additional areawide taxes levied and collected pursuant to Section 2 shall be apportioned and disbursed to not to exceed five of the school districts within the territory involved, as ordered by the county board of supervisors specified in Section 1. The order or orders of the board of supervisors shall be made following the submission to it of recommendations for the apportionment and disbursement of the proceeds of the areawide taxes formulated by the county superintendent of schools having jurisdiction of the majority of the school districts to which Section 1 applies. Such recommendations of the county superintendent of schools shall be submitted to the board on or before October 15, 1966.

The apportionment and disbursement shall be made only to school districts within the territory involved, not to exceed five in number, for which school district taxes for general purposes exclusive of areawide taxes for the 1966–1967 fiscal year are levied and collected at rates in excess of one dollar and eighty cents ($1.80) per one hundred dollars ($100) of assessed valuation of property within the districts. The apportionment and disbursement of the proceeds among the eligible school districts may be made pursuant to order of the county superintendent of schools having jurisdiction of the majority of the school districts to which Section 1 applies without regard to comparative average daily attendance levels, and shall be made in a manner and in such respective amounts as are determined to effect an equitable allocation thereof among the districts, on the basis of the comparative school district tax rates required to be imposed to meet the budgeted needs of the several districts, and any other factors deemed relevant for such purpose.

SEC. 4. No laws prescribing maximum rates of school district taxes shall be applicable during the 1966–1967 fiscal year to school districts which come within the provisions of Section 1.

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:

Areawide taxes for the support of school districts in certain areas were levied and collected in the 1965–1966 fiscal year at rates which were not reduced to reflect reductions in areawide aid required to be made by Section 17702.2 of the Education Code. Because of misinterpretation or misinformation concerning the level of areawide taxes to be levied and collected in the 1966–1967 fiscal year, a number of school districts have obligated themselves to incur expenditures which will exceed district incomes, as provided under the scheme of state-local support established pursuant to the provisions of the Education Code which require reductions in areawide

taxes to reflect increases in state subventions provided through reductions of the areawide aid factor used in computing State School Fund allowances In order that the relief provided by this act will be available and applicable at the beginning of the 1966–1967 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 165

An act to add Article 9 (commencing with Section 29110) to Chapter 6, Part 2, Division 10 of the Public Utilities Code, and to amend Section 30771 of the Streets and Highways Code, relating to the San Francisco Bay Area Rapid Transit District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 19, 1966 Filed with Secretary of State July 20, 1966]

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

SECTION 1. Article 9 (commencing with Section 29110) is added to Chapter 6, Part 2, Division 10 of the Public Utilities Code, to read:

Article 9. Relocation Assistance

29110. As used in this article:

(a) "Eligible person" means any individual, family, business concern, farm, or nonprofit organization to be displaced by a district construction project.

(b) "Construction project" means the acquisition of real property or any interest therein for public use by the district.

(c) "Public use" means a use for which property may be acquired by eminent domain.

(d) "Moving expenses" means the packing, loading, transportation, unloading, and unpacking of personal property.

29111. As a part of the cost of a construction project, the district shall compensate eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such project.

29112. The payment of moving expenses shall be made to eligible persons in accordance with the provisions of this article and such rules and regulations as shall be adopted by the district.

29113. Payment of moving expenses shall not exceed two hundred dollars ($200) in the case of an individual or family.

29114. Payment for moving expenses shall not exceed three thousand dollars ($3,000) in the case of a business concern, farm, or nonprofit organization.

29115 In the case of a business concern, farm, or nonprofit organization, the allowable expenses for transportation shall not exceed the cost of moving fifty (50) miles from the point from which such business concern, farm, or nonprofit organization is being displaced.

29116. The district is authorized to adopt rules and regulations to implement the payment of moving expenses as authorized by this article. Such rules and regulations may include provisions authorizing payments made to individuals and families of fixed amounts not to exceed two hundred dollars ($200) in lieu of their respective reasonable and necessary moving expenses.

29117. The district is authorized to give relocation advisory assistance to any family displaced because of acquisition or clearance of rights-of-way for a construction project.

SEC. 2. Section 30771 of the Streets and Highways Code is amended to read:

30771. As used in this article:

(a) "District" means the San Francisco Bay Area Rapid Transit District.

(b) "Rapid transit tube" means a subaqueous tube across San Francisco Bay between the City and County of San Francisco and the County of Alameda, its approaches and fixed transit facilities, including but not limited to ventilation towers and equipment, tracks and electrical distribution, control, lighting and communication systems for the accommodation of rail rapid transit. The San Francisco terminus of the underwater portion of such rapid transit tube shall be located westward of the shoreline of San Francisco Bay as close thereto as may be reasonably practicable between Howard and Jackson Streets in the City and County of San Francisco. The Alameda County terminus shall be the Southern Pacific mole or as close thereto as may be reasonably practicable.

(c) "Approaches" means all facilities between the aforesaid terminus in Alameda County and the first station thereafter in said county for the discharge of passengers, and all facilities between the aforesaid terminus in the City and County of San Francisco and the easterly end of the passenger platform of the Montgomery Street Station defined as "approaches" in the agreement between the department and the district, dated March 3, 1966.

(d) "Authority" means the California Toll Bridge Authority.

(e) "Department" means the Department of Public Works.

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

The acquisition of private property by the San Francisco Bay Area Rapid Transit District for public purposes is being felt by an increasing number of citizens who are required to

relocate their residences, farms and businesses. These persons incur moving expenses which are not presently compensated for under California law. The expeditious payment of moving expenses and the efficient operation of the right-of-way acquisition program by said district requires the immediate authorization to pay moving expenses to those eligible persons displaced by district construction projects. It is also essential that the change in the definition of the approaches of the San Francisco-Oakland Rapid Transit Tube made by this act go into effect immediately in order that the planning of certain facilities may be undertaken at the earliest possible time. It is therefore necessary that this act go into immediate effect.

CHAPTER 166

An act to add Section 404.6 to the Penal Code, relating to incitement to riot, and declaring the urgency thereof, to take effect immediately

[Approved by Governor July 19, 1966. Filed with Secretary of State July 20, 1966.]

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

SECTION 1. Section 404.6 is added to the Penal Code, to read:

404.6. Every person who with the intent to cause a riot does an act or engages in conduct which urges a riot, or urges others to commit acts of force or violence, or the burning or destroying of property, and at a time and place and under circumstances which produce a clear and present and immediate danger of acts of force or violence or the burning or destroying of property, is guilty of a misdemeanor.

This section shall not apply to, nor in any way affect, restrain, or interfere with, otherwise lawful activity engaged in by or on behalf of a labor organization or organizations by its members, agents or employees.

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:

History and statistics indicate that the incidence of conduct proscribed by this act tends to increase during the months of the summer. The current extraordinary session of the Legislature has been protracted, to the extent that its adjournment is likely to occur during these months, and the ordinary effective date of this act is thereby deferred beyond the summer. In order that this act will be available to local law enforcement authorities at the appropriate time of year, it is necessary that this act go into effect immediately.

CHAPTER 167

An act to amend Section 25140 of the Revenue and Taxation Code, relating to the Bank and Corporation Tax Law.

[Approved by Governor July 25, 1966. Filed with Secretary of State July 26, 1966.]

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

SECTION 1. Section 25140 of the Revenue and Taxation Code is amended to read:

25140. Accounting procedures shall be adopted which will separately reflect the revenues attributable to dividends received by corporations having commercial domiciles in this state.

In view of pending litigation concerning the proper treatment of intercompany dividends, it is not intended by enactment of this act that any inference be drawn from it in such litigation.

CHAPTER 168

An act to add Sections 17672.5 and 17925.5 to, and to amend Sections 17507, 17674, 17920, 17921, 17922, 17924, and 17925 of the Education Code, relating to public schools.

[Approved by Governor July 25, 1966. Filed with Secretary of State July 26, 1966.]

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

SECTION 1. Section 17507 of the Education Code is amended to read:

17507. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the second principal apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades one to three, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty-three (33) in each class having an enrollment of thirty-three (33) or more.

(b) For grades four to eight, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess, if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom

teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on October 30, 1964.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subsection (a) of this section by ninety-seven hundredths (0.97), and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to district change in average daily attendance. Change in average daily attendance shall be determined by dividing average daily attendance in grades one, two and three reported for purposes of the first principal apportionment of the current year by that reported for purposes of the first principal apportionment of the preceding year.

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class pursuant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by twice of the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97) and shall multiply the product so obtained by the ratio of statewide change in average daily attendance to the district change in average daily attendance. He shall decrease the average daily attendance reported under the provisions of Section 17601.1 by twice of the resulting product. Change in average daily attendance shall be determined by dividing average daily attendance in grades four to eight, inclusive, reported for purposes of the first principal apportionment of the current year

by that reported for purposes of the first principal apportionment of the preceding year.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall add to twice the product determined under subdivision (c) of this section, the product determined under subdivision (e) of this section and decrease the average daily attendance reported under the provisions of Section 17601.1 by this total amount.

(g) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, there is an excess number of pupils computed pursuant to subdivision (b) of this section, and the average number of pupils enrolled in each class determined pursuant to subdivision (a) of this section is less than thirty (30), he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by one-half of the decrease otherwise computed for the district pursuant to subdivision (f) of this section.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964–65 and each year thereafter the information required for the determinations to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the second principal apportionment of the State School Fund. The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

Whenever the number thirty-three (33) is required to be used in any part of this section, relating to grades one to three, inclusive, of a school district for the fiscal year 1965–66, the following numbers shall be substituted during succeeding years: thirty-two (32) for the fiscal year 1966–67; thirty-one (31) for the fiscal year 1967–68; thirty (30) for the fiscal year 1968–69 and each year thereafter.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year.

Although no decreases in average daily attendance shall be made for the fiscal year 1964–65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section. Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 17601.1 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section.

SEC. 1.5. Section 17672.5 is added to said code, to read:

17672.5. Notwithstanding the provisions of Section 17672, or any other provision of law to the contrary, the increase in foundation programs prescribed by Section 17671 shall also be provided for any school district which is an elementary school district or a high school district included, on or before May 1 of each fiscal year in a unified school district formed by approval of the electors at an election held after June 30, 1966, provided that such unified school district meets the requirements of subdivision (b) of Section 17672.

For purposes of this section, the Superintendent of Public Instruction shall have full authority to effectuate the mid-fiscal-year transition required, and shall take all actions necessary for such purpose for the affected districts, including, but not necessarily limited to, adjusting allowance computations, apportionments, and disbursements made under prior law.

SEC. 2. Section 17674 of said code is amended to read:

17674. The foundation program computed for the fiscal year for each elementary school district pursuant to Section 17656, as increased, where necessary, pursuant to the other provisions of this article, shall be increased further by twenty

dollars ($20) for each unit of average daily attendance in regular day classes during the fiscal year in grades one through three, inclusive, reported under the provisions of Section 17601.1, as adjusted, if necessary, under the provisions of Section 17507.

The Legislature intends that the increase in the foundation program made available by this section be utilized by local school districts, for the achievement of reduced class sizes in grades one through three, inclusive, so that the sizes of such classes will not exceed the minimum standards prescribed by Section 17507.

SEC. 3. Section 17920 of said code is amended to read:

17920. The Superintendent of Public Instruction shall allow, in addition to the total amount of basic state aid and equalization aid allowed for each elementary school district, an amount to each elementary district with twelve thousand dollars ($12,000) or less in assessed valuation for the current fiscal year per unit of average daily attendance for the current fiscal year, and to each high school district with twenty-nine thousand dollars ($29,000) or less in assessed valuation per unit of average daily attendance, exclusive of the average daily attendance of adults, as adults are defined in Section 5756, as computed under this article.

SEC. 4. Section 17921 of said code is amended to read:

17921. For each elementary school district, the Superintendent of Public Instruction shall determine that portion of the general fund tax rate of the district converted to the nearest cent which is in excess of sixty cents ($0.60), exclusive of rates levied pursuant to Sections 1615, 3356, 16633, 19443, 19619, 20801, and 22101, and not to exceed one dollar ($1).

SEC. 5. Section 17922 of said code is amended to read:

17922. For each high school district, the Superintendent of Public Instruction shall determine that portion of the general fund tax rate of the district converted to the nearest cent which is in excess of fifty cents ($0.50), exclusive of rates levied pursuant to Sections 1615, 3356, 16633, 19443, 19619, 20801, and 22101, and not to exceed fifty cents ($0.50).

SEC. 6. Section 17924 of said code is amended to read:

17924. (a) For each elementary school district, the Superintendent of Public Instruction shall determine a supplementary amount, in excess of the foundation program, for each unit of average daily attendance, exclusive of the average daily attendance in special day and evening classes and summer schools, equal to one dollar and twenty cents ($1.20) for each cent of the applicable tax rate pursuant to Section 17921. In no case shall the supplementary amount per unit of average daily attendance under this section be in excess of one hundred twenty dollars ($120).

Notwithstanding any provision of this article to the contrary, the Superintendent of Public Instruction shall apportion the additional supplemental support funds allowed by

this section, as amended at the 1966 First Extraordinary Session of the Legislature, to an elementary school district which is not eligible for the increase in foundation program prescribed by Section 17676 only if that district levies, for the 1966–1967 fiscal year, a general fund tax rate sufficiently in excess of one dollar and sixty cents ($1.60) on each one hundred dollars ($100) of assessed valuation of property in the district to raise an amount in the district equivalent to the product of fifteen dollars ($15) multiplied by the total of the units of average daily attendance in the district, and provided further that the district meets the other requirements of this article.

SEC. 7. Section 17925 of said code is amended to read:

17925. For each high school district, the Superintendent of Public Instruction shall determine a supplementary amount, in excess of the foundation program, for each unit of average daily attendance, exclusive of the average daily attendance of summer school and adults, as adults are defined in Section 5756, equal to two dollars and ninety cents ($2.90) for each cent of the applicable tax rate pursuant to Section 17922. In no case shall the supplementary amount per unit of average daily attendance under this section be in excess of one hundred forty-five dollars ($145).

Notwithstanding any provision of this article to the contrary, the Superintendent of Public Instruction shall apportion the additional supplemental support funds allowed by this section, as amended at the 1966 First Extraordinary Session of the Legislature, to a high school district which is not eligible for the increase in foundation program prescribed by Section 17676 only if that district levies, for the 1966–1967 fiscal year, a general fund tax rate sufficiently in excess of one dollar ($1) on each one hundred dollars ($100) of assessed valuation of property in the district to raise an amount in the district equivalent to the product of fifteen dollars ($15) multiplied by the total units of average daily attendance in the district, exclusive of the average daily attendance of adults as adults are defined by Section 5756, and provided further that the district meets the other requirements of this article.

SEC. 7.5. Section 17925.5 is added to said code, to read:

17925.5. The maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any elementary or high school district which is not eligible for the increase in foundation program prescribed by Section 17676 and which, with respect to the elementary district, has an assessed valuation per unit of average daily attendance for the district of twelve thousand dollars ($12,000) or less and which, with respect to the high school district, has an assessed valuation per unit of average daily attendance for the district, exclusive of the average daily attendance of adults as adults are defined by Section 5756, of twenty-nine thousand dollars ($29,000) or less, may be in-

creased, upon adoption of a resolution of the governing board of the district, by an amount which will not exceed a rate which will raise a sum in the district equivalent to a tax of one dollar and sixty cents ($1.60) on each one hundred dollars ($100) of assessed valuation if an elementary district or equivalent to a tax of one dollar ($1) on each one hundred dollars ($100) of assessed valuation if a high school district plus the product of fifteen dollars ($15) multiplied by the total units of average daily attendance in the district exclusive, with respect to high school districts, of the average daily attendance of adults as adults are defined by Section 5756.

Notwithstanding the provisions of Section 29100 of the Government Code, or any other provision of law to the contrary, the rate of tax fixed to be levied and collected within a school district for the 1966–1967 fiscal year only, may be increased, on or before October 14, 1966, by the amount required for purposes of the preceding paragraphs of this section.

This section shall be operative until June 30, 1967 and after that date shall have no force or effect.

SEC. 8. The amendments to Sections 17920, 17921, 17922, 17924, and 17925 of the Education Code made by this act shall be in effect and applicable for the fiscal year 1966–1967 only, and after June 30, 1967, shall have no further force or effect.

SEC. 9. The provisions of this act shall not be construed as impairing or otherwise affecting the validity of any school district budget proceedings undertaken pursuant to Division 16 (commencing with Section 20501) of the Education Code for the fiscal year 1966–1967. Notwithstanding the provisions of Sections 20951 and 21001, and any other provisions of the Education Code to the contrary, the governing board of any school district may budget and use any unbudgeted apportionments from the State School Fund provided during the 1966–1967 fiscal year pursuant to the provisions of this act without repetition of any publication or other budgeting procedures which would otherwise be required.

CHAPTER 169

An act to amend Section 262 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 25, 1966. Filed with Secretary of State July 26, 1966.]

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

SECTION 1. Section 262 of the Revenue and Taxation Code is amended to read:

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964,

1965 or 1966 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. Notwithstanding the declarations in Section 7 of Chapter 115 and Section 2 of Chapter 96 of the Statutes of the 1966 First Extraordinary Session of the Legislature that "A defect exists in the present law in that delinquent penalties collected on overdue taxes owing to general law cities when a county collects the taxes, are paid into the county's general fund, while under the same circumstances when a chartered city is involved, such penalties are paid to the city pursuant to Section 51554 of the Government Code," the Legislature recognizes that there is a diversity of practice in the several counties of the state in that in some counties delinquent penalties on taxes levied by chartered cities are distributed and paid to such chartered cities pursuant to Section 51554, whereas in other counties such delinquent penalties on taxes levied by chartered cities are distributed and paid into the county's general fund pursuant to Sections 4653 6 and 4655.4 of the Revenue and Taxation Code. By the passage of the aforesaid chapters, or either of them, it was not the intent of the Legislature to change the existing law with respect to the distribution and payment of costs or delinquent penalties on taxes levied by any chartered city and collected by a county.

CONCURRENT AND JOINT RESOLUTIONS
AND CONSTITUTIONAL AMENDMENTS

FIRST EXTRAORDINARY SESSION

1966

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

ADOPTED AT THE 1966 FIRST EXTRAORDINARY SESSION OF THE LEGISLATURE

CHAPTER 1

Assembly Concurrent Resolution No. 4—Approving an amendment to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, voted for and ratified by the qualified electors of the city at a special municipal election held therein on the 16th day of November, 1965.

[Filed with Secretary of State February 21, 1966]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, 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 AMENDMENT TO THE CHARTER OF THE CITY OF RIVERSIDE.

State of California }
County of Riverside } ss
City of Riverside }

We, the undersigned Ben H. Lewis, Mayor of the City of Riverside, State of California, and Virginia J. Strohecker, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That at all times since the 21st day of April, 1953, the City of Riverside has been and now is a municipal corporation and City in the County of Riverside, State of California, containing a population of more than 3,500 inhabitants and organized and existing under a charter adopted pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California and approved by the Legislature by Assembly Concurrent Resolution No. 8, adopted in Assembly January 12, 1953, and in Senate January 15, 1953, and filed with the Secretary of State February 4, 1953.

That the legislative power of said City is vested in a City Council consisting of seven (7) members; and that the City

Clerk of said City is ex-officio Clerk of the legislative body of said City.

There is no official newspaper of said City. The Press hereinafter mentioned is a daily newspaper of general circulation within said City and printed and published therein.

That at all times herein mentioned Ben H. Lewis has been and now is the duly elected, qualified and acting Mayor of said City of Riverside; and Virginia J. Strohecker has been and now is the duly appointed, qualified and acting City Clerk of said City.

That the City Council of said City on its own motion by Resolution No. 10378 adopted September 28, 1965, submitted to the electors of said City a proposal to amend its Charter as hereinafter mentioned, to be voted on as a measure at a Special Municipal Election to be held in said City on November 16, 1965. Said proposal is in words and figures as follows:

Electric Facilities Revenue Bonds Charter Amendment:

Shall the Charter of the City of Riverside be amended by adding thereto a new Section to be numbered 1306 and to read as follows:

"Section 1306; The City, acting through its City Council, may issue and sell revenue bonds for the acquisition, construction and financing of additions to and extensions and improvements of its system and facilities for the transmission and distribution of electric energy and, any other provision of this charter notwithstanding, may make such covenants and exercise such powers (including but not limited to the covenants and powers authorized by the Revenue Bond Law of 1941) as are deemed necessary in connection with such revenue bonds. The principal amount of such bonds to be issued is limited to $4,700,000 unless an additional amount is authorized by the affirmative vote of a majority of the voters of the City voting on a proposition submitted for that purpose.?"

That the City Council caused said proposed charter amendment to be published in The Press on October 7, 1965, and in each edition thereof during said day; and also caused copies of such proposed charter amendment to be printed in convenient pamphlet form in type of not less than 10-point and mailed to each of the qualified electors of said City on October 25, 1965; and also caused a notice that copies of said proposed charter amendment could be had upon application at the office of the City Clerk of said City to be published in every edition of The Press during the period of time beginning October 7, 1965, through and including November 16, 1965.

That Sections 1000, 1001 and 1002 of the Charter of the City of Riverside provide as follows:

Section 1000. General Municipal Elections.

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each odd numbered year commencing with the year 1955.

Section 1001. Special Municipal Elections.

All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

A special municipal election shall be held for the election of the first Mayor and the first members of the City Council under this Charter on the tenth Tuesday following the approval of this Charter by the Legislature.

Section 1002. Procedure for Holding Elections.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter.

No other procedure has been provided.

That the City Council adopted Resolution No. 10378 on September 28, 1965, ordering, providing for and giving notice of the Special Municipal Election to be held in said City on November 16, 1965; and the City Clerk duly published Notice of Election, which included said proposed charter amendment as a measure, in The Press on October 11 and 18, 1965.

That the Special Municipal Election was duly held in said City on Tuesday, November 16, 1965, and the voters voted upon said measure to amend the Charter. On Tuesday, November 23, 1965, the City Council of said City met in a regular meeting at its regular place of meeting and canvassed the returns of said election and canvassed the absent voters ballots. It was found and determined that the voters voting on said measure at said election cast 5,924 votes in favor of said Charter amendment and 974 votes against said amendment; and that said Charter amendment was ratified by the votes of a majority of the electors who voted on said measure.

That the City Council thereupon and on November 23, 1965, adopted Resolution No. 10407 reciting the fact of said election and the matters enumerated in Section 22933 of the Elections Code, and the City Clerk thereupon entered upon the records of the City Council a statement of the result of such election.

That the amendment to the Charter as so proposed and ratified is in words and figures as follows:

Section 1306:

The City, acting through its City Council, may issue and sell revenue bonds for the acquisition, construction and financing of additions to and extensions and improvements of its system and facilities for the transmission and distribution of electric energy and, any other provisions of this charter notwithstanding, may make such covenants and exercise such powers (including but not limited to the covenants and powers authorized by the Revenue Bond Law of 1941) as are deemed necessary in connection with such revenue bonds. The principal amount of such bonds to be issued is limited to $4,700,000 unless an additional amount is authorized by the affirmative vote of a majority of the voters of the City voting on a proposition submitted for that purpose.

We do further certify that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Riverside and its City Council and City Clerk in the matter of submitting the proposal to amend the City Charter and in calling, noticing and conducting the election and canvassing the returns and declaring the results thereof.

In witness whereof we have hereunto set our hands and affixed the seal of the City of Riverside this 2nd day of December, 1965.

BEN H. LEWIS
(SEAL) Mayor of the City of Riverside
Attest:
VIRGINIA J. STROHECKER
City Clerk of the City of Riverside

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

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

CHAPTER 2

Assembly Concurrent Resolution No. 11—Relative to the death of Fleet Admiral Chester W. Nimitz.

[Filed with Secretary of State March 1, 1966]

WHEREAS, Fleet Admiral Chester W. Nimitz passed away on February 20, 1966; and

WHEREAS, He was the Navy's highest ranking officer and its oldest active officer; and

WHEREAS, He held many decorations, including the Distinguished Service Medal, the Congressional Distinguished Service Medal, the Army Distinguished Service Medal, the Gold Star, and the Silver Life Saving Medal for rescuing a drowning submarine crewman in 1912; and

WHEREAS, As Commander of the Pacific Fleet during World War II, he rebuilt the remnants of the Pearl Harbor disaster into the mightiest naval armada ever assembled; and

WHEREAS, His leadership in that struggle was instrumental in winning the war against the enemies of our nation; and

WHEREAS, After World War II he continued to serve his country in many capacities, including those of Chief of Naval Operations, special assistant of the Secretary of the Navy, head of a United Nations mediation commission, and head of the United States Internal Security Commission; and

WHEREAS, His long, dedicated, and outstanding service in both peace and war, has earned the admiration and respect of all Americans; 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 sincere regret upon the passing of a great sailor and citizen, Fleet Admiral Chester W. Nimitz; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mrs. Chester W. Nimitz, Chester W. Nimitz, Jr., Rear Admiral, U.S. Navy, Retired; Mrs Catherine Vance (Nimitz) Lay, Mary Manson Nimitz, and Anne Elizabeth Nimitz.

CHAPTER 3

Assembly Concurrent Resolution No. 1—Approving charter amendments to the Charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, ratified by the qualified electors of the city at a municipal election held therein on the second day of November 1965.

[Filed with Secretary of State March 7, 1966.]

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

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS

State of California
County of Sacramento } ss
City of Sacramento

We, the undersigned, Walter Christensen, Mayor of the City of Sacramento, State of California, and Elmer C. Cleveland, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been, ever since the year 1921, organized, existing, and acting under a Freeholder's Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature, of the State of California on January 24, 1921. (Statutes of 1921, page 1919)

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Sacramento, being the legislative body thereof, on its own motion duly and regularly submitted to the qualified electors of the City of Sacramento two propositions for the amendment of the Charter of the City of Sacramento at the Regular Municipal Election held within the City on November 2, 1965.

That in accordance with the provisions of Section 8 of Article XI, of the Constitution of the State of California, and the Charter of the City of Sacramento, the said proposed

amendments were published and advertised in full on September 8, 1965, in the Sacramento Union, a daily newspaper of general circulation, printed and published in the City of Sacramento, the official newspaper of said City of Sacramento, and in each edition thereof on said day. The foregoing is shown by the affidavit of publication on file in the office of the City Clerk.

That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10-point as required by law, and copies thereof were mailed to each of the qualified electors of said City of Sacramento within the time and manner required by law.

That until the date fixed for the Regular Municipal Election, November 2, 1965, as hereinafter set forth, there was published in said Sacramento Union an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That copies of said pamphlet containing said proposed amendments could be had upon application therefor at the office of the City Clerk of said City at all times, to and including November 2, 1965, the date fixed for said Regular election, all as required by said Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of the Charter of the City of Sacramento, and in the manner provided by law, the said Regular Municipal Election was duly and regularly held in said City of Sacramento on November 2, 1965, after due notice was given and published on September 8, 1965, and that November 2, 1965, the date of said election day, was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the Sacramento Union, the official newspaper of said City of Sacramento.

That at said election, a majority of the qualified electors voted upon Proposition A, City Employees Transferred to Sacramento County, and Proposition B, Control of the Streets, and ratified the same.

That thereafter on the 9th day of November, 1965, the Council of the City of Sacramento did in the manner provided by law, duly and regularly canvass the returns of said general municipal election, and did adopt a resolution declaring the results of the canvass of the returns of said election on the 9th day of November, 1965.

That the Council of said City did by said resolution, find, determine, and declare that the said proposed amendments to the Charter of the City of Sacramento, as hereinafter set forth were ratified by a majority vote of the electors of said City voting thereon.

That as to said amendments to the Charter of the City of Sacramento, this certificate shall be taken as a full and com-

plete certification as to the regularity of all proceedings had and done in connection therewith.

That the said amendments to the Charter of the City of Sacramento so ratified by the qualified electors of said City are as follows:

PROPOSAL A

To amend Article XX of the Charter of the City of Sacramento to provide for preservation of rights in the Sacramento City Employees' Retirement System of city employees who, on and after January 1, 1963, are transferred to Sacramento County as part of a consolidation of city functions with, or transfer of city functions to, Sacramento County, by adding a new Section 175.28 to Article XX, to read as follows:

City Employees Transferred to Sacramento County

Section 175.28.

Notwithstanding any provision in this Charter to the contrary, the provisions in Section 175.27 of this Charter shall be applicable to all employees of the City of Sacramento, who are members of the Sacramento City Employees' Retirement System and who, on or after January 1, 1963, are transferred to and become employees of Sacramento County and members of the Sacramento County Employees' Retirement System, as part of any consolidation of City functions with, or transfer of City functions to, Sacramento County. The election to remain in the city system shall be made within 90 days after the effective date of this section, or within 90 days after the effective date of the transfer, whichever occurs later.

PROPOSAL B

To amend Article III of the Charter of the City of Sacramento to permit the City Council to adopt procedural ordinances for the acquisition, construction and financing of public improvements, by amending Section 14 of Article III, to read as follows:

Control of the Streets

Section 14.

To establish, lay out, open, extend, widen, narrow, straighten, close or vacate streets, alleys, lanes, boulevards, crossings, courts or other highways, and public places and rights of way or to construct therein sidewalks, crosswalks, culverts, gutters, curbs, steps, parkways, parkings, sewers and other structures and appurtenances; and to construct, or reconstruct or improve in any manner whatsoever or reimprove or repair in any manner whatsoever and to establish or change the grade of streets, lanes, alleys, boulevards, sidewalks, crossings, courts, bridges, viaducts, subways, tunnels or other avenues of travel; and to construct, reconstruct, improve or repair streets or other

railways in the public ways of the city for the purpose of leasing or renting the same to persons or private corporations to be employed as a means of transportation for the benefit of the public, or for operation by the municipality for said purpose and to cause the costs and expenses of all improvements in this section enumerated, including all the incidental expenses and damages to private property occasioned thereby, to be paid from the general fund of the city or from such other fund as the city council may designate or from moneys raised by levying and collecting assessments upon private property according to frontage or upon property in districts according to the benefits derived from the work or improvement; and to adopt the necessary procedure to carry out the provisions hereof; provided, that whenever the cost and expense of any of the foregoing improvements are to be paid by special assessment on private property, the general laws of the State of California in force at the time of the improvement shall govern and control, and all proceedings shall be in conformity therewith, unless a different procedure is established by ordinance; to set apart as a boulevard or boulevards any street or streets over which there is no existing franchise for any railroad and to regulate or prevent heavy teaming thereon and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban railway, or street railway of any kind shall be granted by the city council upon any such boulevard and no railroad track of any kind shall ever be laid thereon except to cross the same, unless a franchise therefor shall have been duly granted by vote of the people; to cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city or within any designated portion thereof and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city; to regulate the size and location of all pipes and conduits laid or constructed under the streets and public places and to require the filing of charts and maps of such pipes, tunnels, and conduits.

We further certify that we have compared the foregoing ratified amendments to the Charter of the City of Sacramento with the original proposals submitted to the electors of said City, and find that the foregoing is a full, true, correct, and exact copy of such amendments..

In witness whereof, we have hereunto set our hand and caused the seal of said City of Sacramento to be affixed hereto on February 2, 1966.

(SEAL)

WALTER CHRISTENSEN
Mayor, City of Sacramento
ELMER C. CLEVELAND
City Clerk, City of Sacramento

Approved as to form:
JOSEPH E. COOMES, JR.
City Attorney

and

WHEREAS, The proposed charter amendments as ratified as hereinabove set forth have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Sacramento, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without alteration or amendment, for and as amendments to and as part of the Charter of the City of Sacramento.

CHAPTER 4

Senate Concurrent Resolution No. 3—Approving an amendment to the Charter of the City of Marysville, a municipal corporation in the County of Yuba, State of California, ratified by the qualified electors of the city at a special election held therein on the 17th day of January, 1966.

[Filed with Secretary of State March 15, 1966.]

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

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MARYSVILLE OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Yuba } ss
City of Marysville }

We, the undersigned, Donald J. Gavin, Mayor of the City of Marysville, and A. W. Marchuk, City Clerk of the City of Marysville, do hereby certify and declare as follows:

That the City of Marysville, County of Yuba, State of California, is a City containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1919 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the

Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at a special election held for that purpose on the 25th day of February, 1919, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of April, 1919 (Statutes of 1919, page 1467).

That the Council of the City of Marysville, being the legislative body of said City, in accordance with Section 8 of Article XI of the Constitution of the State of California, by its Resolution No. 65–76 adopted on December 6, 1965, duly and regularly submitted to the qualified electors of said City a certain proposal designated respectively Measure No. 1 to be voted on by said qualified electors at a special municipal charter amendment election, consolidated by said Resolution No. 65–76 with the general municipal election held in said City on January 17, 1966.

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 8th day of December, 1965, in the Appeal-Democrat, the official newspaper of said City of Marysville, a newspaper of general circulation printed and published in said City of Marysville, and in each edition thereof during said day of publication.

That said general muncipal 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 17th day of January, 1966, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said Appeal-Democrat.

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said amendment.

That the Council of said City of Marysville on January 18, 1966, officially canvassed all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by Resolution, duly find and declare that a majority of the qualified voters voting on said amendment voted in favor thereof and that said amendment was ratified.

That said charter amendment so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election is in the words and figures, to wit:

CHARTER AMENDMENT PROPOSAL

Shall the Charter of the City of Marysville be amended by repealing Section 2 of Article I which reads as follows:

"The said boundaries of the city shall not be changed unless by a two-thirds vote of the qualified electors of said

city voting therefor at a general or special municipal election."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Marysville with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

The foregoing proposed and ratified amendment to the charter of the City of Marysville is hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Marysville to be affixed hereto this 7th day of February, 1966.

(SEAL)

DONALD J. GAVIN,
Mayor of the City
of Marysville
A. W. MARCHUK,
City Clerk of the City
of Marysville

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Marysville, as proposed to and adopted and ratified by the electors of the city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Marysville.

CHAPTER 5

Assembly Joint Resolution No. 1—Relative to the proposed Allen Camp Dam and Reservoir.

[Filed with Secretary of State March 15, 1966.]

WHEREAS, It has been proposed that a new unit in the Central Valley project be constructed, an Allen Camp Dam and Reservoir in Modoc County on the Pit River 10 miles north of Lookout; and

WHEREAS, This huge dam-reservoir-recreation project will involve construction of a 22-mile reservoir backed up by an earthfill dam 129 feet long and holding about 190,000 acre-feet of water, which will provide great flood control advantages and water for irrigation in southwest Modoc and northwest Lassen Counties; and

WHEREAS, In addition to its flood control and irrigation advantages, the project will facilitate the creation of a Big Valley National Wildlife Refuge on 7,000 acres of land now in private ownership, and it is planned that four hundred thirty thousand dollars ($430,000) will be spent initially on land and facilities for recreation purposes, including boating, fishing, swimming, camping and picnicking; and

WHEREAS, The plans for this much-needed project are now being reviewed before submission to the Department of the Interior and ultimate submission to Congress for authorization; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the appropriate officials in the Department of the Interior and the Congress of the United States to approve the proposed Allen Camp Dam and Reservoir and take all necessary action as soon as possible in order that construction of this great project may be begun and be completed at the earliest possible time; 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 the Secretary of the Interior, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 6

Assembly Joint Resolution No. 2—Relative to the National School Lunch Program and the Special Milk Program.

[Filed with Secretary of State March 15, 1966.]

WHEREAS, The National School Lunch Act, P.L. 79-396, was established in 1946 and the Special Milk Program, P.L. 85-

478, was established by Congress in 1954 to encourage the consumption of wholesome and nutritional foods and fluid milk by children in the United States; and

WHEREAS, These programs have provided as much as a nine-cent per lunch reimbursement to schools in addition to Section 32 surplus price-supported food donations and enable schools generally to serve a one-half pint or one-third quart of milk to a child for five cents; and

WHEREAS, The success of the programs is shown by the fact that during the 1964–65 fiscal year more than 18 million children were covered by the National School Lunch Program; and in California, more than 800,000 Type A lunches were served daily, more than one million cases of Section 32 surplus commodities valued at more than 18 million dollars were donated to schools; and more than 140 million half-pint equivalents of milk were served, in addition to 286 million half-pint equivalents served under the Special Milk Program; and

WHEREAS, During the past several years reimbursements for lunches have declined to four cents, stocks of surplus commodities are becoming exhausted and the Bureau of the Budget has held Special Milk Program funds to 100 million dollars annually on a national basis, as a result of which it has been necessary for the United States Department of Agriculture to reduce claims for reimbursement submitted by participants in order to keep within available funds; and

WHEREAS, Beginning February 1, 1966, a 10-percent reduction in claims has been ordered because of a 3-million-dollar cut in the current budget appropriation for the Special Milk Program; and

WHEREAS, The President's budget request for 1967 has cut the proposed appropriation for the National School Lunch Program from 202 million dollars to 183 million dollars and for the Special Milk Program from the 103 million dollars deemed by Congress to be the minimum needed for the 1965–66 fiscal year to an unrealistic 21 million dollars, cuts which would make it financially impossible for many schools currently participating in these programs to continue their participation, or would permit such participation only at such reduced levels, and might consequently deprive millions of children of low-income families of the only basic foods they receive during the schoolday; 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 of the United States, the Director of the Bureau of the Budget, and Congress to restore the 3-million-dollar cut in the current budget for the Special Milk Program and to increase the proposed appropriations in the 1967 budget for the School Lunch Program to at least the existing level of 202 million dollars, and for the Special Milk Program to at least the existing level of 103 million dollars; and be it further

Resolved, That the President of the United States, the Director of the Bureau of the Budget, and Congress should give serious consideration to expanding both the school lunch and milk programs, and to replenishing and expanding stocks of surplus agricultural commodities for donation to lunch programs; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, each Senator and Representative from California in Congress, and to the Director of the Bureau of the Budget.

CHAPTER 7

Assembly Joint Resolution No. 5—Relative to the Manned Orbital Laboratory Program at Vandenberg Air Force Base.

[Filed with Secretary of State March 23, 1966.]

WHEREAS, The Manned Orbital Laboratory Program was assigned to Vandenberg Air Force Base, California, for definite scientific and strategic reasons; and

WHEREAS, The Florida Congressional Delegation is attempting to have the program transferred to Cape Kennedy, Florida; and

WHEREAS, Any decision to transfer the Manned Orbital Laboratory Program from Vandenberg Air Force Base, California, to Cape Kennedy, Florida, should be made on a scientific and strategic rather than political basis; 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 requests the California Congressional Delegation to take all necessary action to retain the Manned Orbital Laboratory Program at Vandenberg Air Force Base; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to each Senator and Representative from California in the Congress of the United States.

CHAPTER 8

Assembly Concurrent Resolution No. 6—Relative to the designation and appointment of Charles B. Garrigus as Poet Laureate of California.

[Filed with Secretary of State March 23, 1966.]

WHEREAS, It is a respected and ancient tradition that a state should designate a poet laureate to express adequately in poetry the wit, wisdom and beauty appropriate for honoring individuals, events, special occasions and the natural heritage and culture of the state; and

WHEREAS, It is fitting that a poet laureate should be a person who has demonstrated before various segments of the populace his mastery of the art of poetry and his ability to express skillfully such art so as to inspire an appreciation of its worth; and

WHEREAS, Charles B. Garrigus has impressively demonstrated such mastery and ability; and

WHEREAS, Charles B. Garrigus has been writing poetry on subjects of both wide appeal and deep significance for a quarter of a century; and

WHEREAS, As a professor of literature in higher education he has inspired a generation of California's youth to a deep and lasting appreciation of the art of poetry; and

WHEREAS, Numerous groups and individuals have enthusiastically acclaimed his merit as a poet; and

WHEREAS, He has strikingly demonstrated the laureate function by his outstanding service to this Legislature in providing poems for memorials to departed members; and

WHEREAS, Charles B. Garrigus, as poet laureate, would offer his talent in poetry with dedicated zeal for the pleasure, celebration, and improvement of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Charles B. Garrigus is hereby designated and appointed Poet Laureate of California.

CHAPTER 9

Assembly Concurrent Resolution No. 8—Relative to the Joint Legislative Retirement Committee.

[Filed with Secretary of State March 28, 1966.]

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 ten thousand dollars ($10,000), 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 10

Senate Concurrent Resolution No. 7—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951.

[Filed with Secretary of State April 6, 1966.]

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 sixty-three thousand dollars ($663,000) 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 11

Senate Joint Resolution No. 2—Relative to the Manned Orbital Laboratory Program.

[Filed with Secretary of State April 6, 1966]

WHEREAS, Expenditure of many millions of dollars to develop Titan III-C launch facilities at Vandenberg Air Force Base for the Air Force's manned orbital laboratory program is being challenged by a Florida Congressman, who is urging that the launch facilities be located at Cape Kennedy, Florida; and

WHEREAS, Those who have planned utilization of the Vandenberg site have selected this location as a unique corner of the earth which offers advantages which cannot be duplicated at existing test facilities at Cape Kennedy; and

WHEREAS, Only from Vandenberg can the orbit be attained with a launch aimed over the virtually empty spaces of an ocean; and

WHEREAS, From Cape Kennedy, the launch vehicle would overfly populated areas, a hazard in this touchy world of today which the United States should be extremely hesitant to assume; and

WHEREAS, The Vandenberg site has other advantages which add to the urgency of its development: A mountain barrier between it and populated areas gives a natural shielding, important as the power of the launch engines increases; and it is relatively isolated, making security easy to achieve; and

WHEREAS, The geography of the Vandenberg location is fortuitous, and its unique characteristics should be used to the fullest in development of the nation's missile and space programs; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature respectfully urges the Secretary of the Air Force to retain the Manned Orbital Laboratory Program at Vandenberg Air Force Base; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to Dr. Harold Brown, Secretary of the Air Force.

CHAPTER 12

Senate Joint Resolution No 5—Relative to the Ventura Marina.

[Filed with Secretary of State April 6, 1966.]

WHEREAS, Organized for the purpose of constructing and operating a small craft facility, the Ventura Port District has been operating the Ventura Marina to provide recreational facilities for the people of Ventura County and the State of California; and

WHEREAS, The use and successful operation of the Ventura Marina has been drastically impaired by two related phenomena: excessive buildup and settling of littoral sand in the entrance channel, and extremely heavy wave action at or near the entrance channel; 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 Congress of the United States and the United States Army Corps of Engineers to take such steps as may be necessary to investigate and assist in correcting the intolerable conditions which exist at or near the entrance to the Ventura Marina; 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 Chief of the United States Army Corps of Engineers.

CHAPTER 13

Assembly Joint Resolution No. 7—Relating to the Ventura Marina.

[Filed with Secretary of State April 11, 1966.]

WHEREAS, The Ventura Marina has been operated by the Ventura Port District as a small craft facility to serve the recreation needs of the people of Ventura County and of the State of California; and

WHEREAS, The use of the Ventura Marina has been seriously impaired by excessive deposits of littoral sand material in the entrance channel; and

WHEREAS, The use of the Ventura Marina has been further impaired by turbulent waves and tidal action at or near the entrance channel; 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 requests the Congress of the United States and the United States Army Corps of Engineers to undertake whatever action is necessary and appropriate to restore and protect the entrance channel to the Ventura Marina; 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, to each Senator and Representative from California in the Congress of the United States, and to the Chief of the United States Army Corps of Engineers.

CHAPTER 14

Assembly Concurrent Resolution No. 13—Relative to the James Lick Freeway.

[Filed with Secretary of State April 11, 1966.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works is directed to install a directional sign for Visitacion Valley on that portion of Route 80 in San Francisco known as the James Lick Freeway; 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 Public Works.

CHAPTER 15

Senate Joint Resolution No. 3—Relating to the Garcia River delta.

[Filed with Secretary of State April 11, 1966.]

WHEREAS, The January 1966 storms did extensive damage to the valuable farmlands of the Garcia River delta due to siltation and erosion; and

WHEREAS, Said damage is beyond the resources of the landowners to correct and restore; 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 Army Corps of Engineers are respectfully urged to take such steps as may be necessary to assist the property owners of the Garcia River delta in correcting the conditions causing this damage and in restoring the affected land to productive use; 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 Army Corps of Engineers.

CHAPTER 16

Senate Concurrent Resolution No. 11—Relative to commending Wishard A. Brown, and Jack Craemer.

[Filed with Secretary of State April 11, 1966.]

WHEREAS, Wishard A. Brown has been a resident of Marin County since boyhood, graduating from San Rafael High School prior to attending College of Marin and the University of Oregon; and

WHEREAS, He served with distinction in the United States Army during World War II and was on the personal staffs of General Simon Bolivar Buckner, Jr., and General Joseph W. Stillwell; and

WHEREAS, He joined the staff of the Independent-Journal after his release from the armed forces in 1946; and

WHEREAS, He has been extremely active in civic affairs and has served as president of the San Rafael Chamber of Commerce and as a member of the Marin Safety Council, the Boy Scouts of America Marin Council, the National Board of the Junior Chamber of Commerce and many other boards; and

WHEREAS, He was honored by the Marin County Real Estate Board in 1955 as Marin County's outstanding citizen; and

WHEREAS, He is expected to continue the fine record of community service associated with the Brown family during the long tenure of his father, the late Roy A. Brown, as publisher of the San Rafael Independent-Journal; and

WHEREAS, He was named publisher of the Independent-Journal and president of California Newspapers, Inc., on March 23, 1966, the 105th anniversary of the founding of the Independent-Journal; and

WHEREAS, Jack Craemer joined the staff of the Independent-Journal in 1947 after working on the Turlock Daily Journal; and

WHEREAS, He graduated from Stanford University and worked for a time for the Holtville Tribune in Imperial County prior to entering the United States Army in which branch of the armed forces he served for five years, being discharged as a major of artillery; and

WHEREAS, He is immediate past president of the highly prestigious California Newspaper Publishers Association and past northern California vice chairman of Sigma Delta Chi Professional Journalism Society and serves the County of Marin on many boards and commissions; and

WHEREAS, He was named copublisher and editor of the Independent-Journal on March 23, 1966; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature take pride in commending Wishard A. Brown and Jack Craemer for their outstanding records of achievement, and congratulate them on the occasion of their being named publisher and copublisher, respectively, of the San Rafael Independent-Journal; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to Wishard A. Brown and Jack Craemer.

CHAPTER 17

Assembly Concurrent Resolution No. 3—Relative to a site for the 200 BEV accelerator.

[Filed with Secretary of State April 12, 1966.]

WHEREAS, Among the states, California historically has been a leader in the cultivation of basic science, through the expenditure of state public funds and with the support of generous private donors; and

WHEREAS, The California resources so developed were of critical value to the nation during World War II when the applications of science were essential to national survival; and

WHEREAS, The science resources assembled in California were a major source of national strength in the explosion of

knowledge following the federal government's postwar development of a policy of support for basic research; and

WHEREAS, California has amply rewarded the nation for federal support the state has received in science, notably in helping to maintain United States leadership in nuclear science and high-energy physics; and

WHEREAS, California high-energy physicists initiated a proposal for a 200 BEV accelerator to reach the next frontier in the field, and with Atomic Energy Commission support have completed with distinction the design of such a machine to further advance our knowledge of the ultimate structure and function of the universe; and

WHEREAS, California already possesses the scientific manpower, experience, and other essential resources to assure success of operation and of research productivity of this project that is important to the future of science and the nation; and

WHEREAS, Both science and the national interest will be well served (a) by assurance of the project's high performance and of continued United States leadership in the field; and (b) by maintaining the present California major resources of national strength in high-energy physics; and

WHEREAS, It is also important to California's future that its tradition of pioneering in this field be continued; and

WHEREAS, Other states have been requesting location of the 200 BEV accelerator within their boundaries, and offering inducements of free land to the federal government; and

WHEREAS, California, in addition to its scientific experience and existing resources, the economies and amenities of its mild climate, the culture of its metropolitan centers, and unmatched recreational resources, offers to the federal government land, which may either supplement available federal land or be assembled from other sources, and access roads to provide a suitable site for the 200 BEV accelerator; 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 respectfully requests the National Academy of Sciences Site Evaluation Committee and the Atomic Energy Commission Site Committee to select the State of California as the site for the 200 BEV accelerator; and be it further

Resolved, That it is hereby declared to be the intent of the Legislature of the State of California to appropriate the sum of not to exceed $15,000,000 payable from the State Construction Program Fund, for the purpose of providing land acquisition, site development, and whatever other site preparation as may be required to put the State of California in the best possible position to be selected as the location for the 200 BEV accelerator; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the National Academy of Sciences Site Evaluation Committee and to the Atomic Energy Commission Site Committee; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to Edmund G. Brown, Governor of California; Dr. Edwin McMillan, director of the Lawrence Radiation Laboratories; Clark Kerr, president of the University of California; and Hale Champion, Director of Finance.

CHAPTER 18

Assembly Joint Resolution No. 9—Relative to the continuation of the financial assistance provided to local school districts under Public Law 874 and Public Law 815, of the 81st Congress.

[Filed with Secretary of State April 14, 1966.]

WHEREAS, Activities of the federal government and related military, industrial, commercial and scientific operations are conducted on an immense and increasing scale within the State of California, have involved the removal from local tax rolls of substantial amounts of otherwise taxable property, and have cast upon local governmental agencies the burden and responsibility of providing governmental services for large and increasing numbers of people employed and otherwise involved in those undertakings, all to a degree perhaps unparalleled anywhere else in this nation; and

WHEREAS, The impact and burden of these federal activities and related undertakings are nowhere more keenly felt than in the many school districts which have been called upon to provide educational services for the thousands of children who are dependents of persons who are employed in or otherwise associated with these operations, and with respect to whom little or no local tax support or fiscal subvention is available to the agencies conducting the schools; and

WHEREAS, The Congress of the United States has long recognized the special burdens so imposed upon local educational agencies and has provided substantial financial subventions therefor through legislation embodied in Public Law 874 and Public Law 815 of the 81st Congress, as from time to time amended; and

WHEREAS, In a considerable number of school districts in this state the impact of these federal and related activities is so pronounced that any substantial reduction in the subventions afforded under these federal laws would confront the districts, as well as the state itself, with a major fiscal crisis in financing the continued operation of the public schools involved; and

WHEREAS, The question of whether or not the subventions being afforded under Public Laws 874 and 815 should be continued is before the Congress, and it is of the utmost importance to major segments of the public school system in Cali-

fornia that the subventions be continued at undiminished rates; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to continue the vitally needed programs of assistance provided for in Public Laws 874 and 815; 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 of California in the Congress of the United States.

CHAPTER 19

Assembly Concurrent Resolution No. 5—Relative to merit awards to state employees.

[Filed with Secretary of State April 14, 1966.]

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 Effie M. Erwin, Department of Education, for proposing, in association with her supervisor Walter L. Johnson, a suggestion that results in annual savings of one thousand seven hundred forty-five dollars ($1,745) by recommending that the fair value be omitted from offerings and invoices covering shipments of donated commodities; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Bertha B. Foreman, California Highway Patrol, for a suggestion that results in annual savings of five thousand seven hundred forty-eight dollars ($5,748) by suggesting an improved method of batching citation forms for key punching; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to John M. Munoz, Board of Equalization, for a suggestion that results in annual savings of six thousand nine hundred ninety-one dollars ($6,991) by recommending that there be an extension of the followup action time on collection account files from five weeks to seven weeks; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to James A. Robertson, Water Pollution Control Board, Sacramento Region 5, for a suggestion that results in annual savings of two thousand six hundred dollars ($2,600) by proposing the discontinuance of checking calculations on laboratory worksheets for standard mineral analyses; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Rosanell Sofeldt, Department of Motor Vehicles, for a suggestion that results in annual savings of two thousand two hundred thirty dollars ($2,230) by recommending that fill-in spaces be printed in an identical location on seven different forms to permit typing of them as a set instead of typing them individually; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Clarence F. Wasser, Jr., Division of Highways, for a suggestion that results in annual savings of eight thousand one hundred fifty dollars ($8,150) by recommending an addition of a time constant to the electrical circuit of traffic counters; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings amounting to twenty-seven thousand four hundred sixty-four dollars ($27,464); and

WHEREAS, As a result of these savings it is unnecessary to appropriate additional funds for the payment of these awards; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following additional awards, which have been approved by the State Board of Control, are hereby authorized to the employees named:

Effie M. Erwin, twenty-four dollars and fifty cents ($24.50);

Walter L. Johnson, fifty-two dollars ($52);

Bertha B. Foreman, four hundred twenty-five dollars ($425);

John M. Munoz, five hundred fifty dollars ($550);

James A. Robertson, one hundred ten dollars ($110);

Rosanell Sofeldt, seventy-three dollars ($73);

Clarence F. Wasser, Jr., six hundred sixty-five dollars ($665); 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 20

Assembly Concurrent Resolution No. 21—Relative to making additional funds available to the Legislative Audit Committee.

[Filed with Secretary of State April 14, 1966.]

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 21

Senate Concurrent Resolution No. 4—Relative to school district unification.

[Filed with Secretary of State April 18, 1966]

WHEREAS, Assembly Bill 145 of the First Extraordinary Session of 1964, authored by Assemblyman Unruh, which became Chapter 132, Statutes of the 1964 First Extraordinary Session, clearly states the intent of the Legislature that unified school districts be established throughout the state; and

WHEREAS, Assembly Bill 145 further provides that unification take place on the minimum basis of existing high school boundaries except in exceptional circumstances and then only if the division of high school districts results in the formation of unified districts that are (1) adequate in number of pupils, (2) adequate in terms of financial ability, and (3) which do not deviate materially in assessed valuation per unit of average daily attendance from the original district; and

WHEREAS, These requirements did establish sound criteria for reorganization of school districts throughout the state, have had general application statewide, and have served to improve school district organization substantially throughout the state; and

WHEREAS, It has come to the attention of the Legislature that studies conducted by the Kern County Committee on School District Organization and the State Department of Education have revealed that the school district organization problem in Kern County is uniquely difficult to solve because of the geography of the county, its size, the location of pupils with respect to the location of assessed valuation, and the present pattern of district organization in the county; and

WHEREAS, Further legislative definition and clarification of existing statutory criteria would permit proposals for unification of school districts that would provide for substantial rather than limited improvement in school district organization in Kern County; and

WHEREAS, The Legislature recognizes the need for such clarification in order to carry out the original intent of the Legislature to further equalize educational opportunity for children throughout the state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Board of Education in considering proposals submitted by the Kern County

Committee on School District Organization pursuant to Chapters 9 (commencing with Section 3001) or 10 (commencing with Section 3101) of Division 5 of the Education Code, or master plan proposals for Kern County submitted by the State Department of Education pursuant to Section 3004 of the Education Code, be advised, concerning the unique school district organization problem of Kern County, that the following considerations are in accord with the intent of the Legislature as expressed in Assembly Bill 145:

1. That available general purpose federal funds may be considered as local ability in the determination of adequate financial ability and in the measurement of material deviation;

2. That the transfer of territory from an affluent district to a less affluent proposed unified district without impoverishment of the original affluent district may be approved without regard to material deviation of local ability; and

3. That the transfer of territory from a less affluent district to a more affluent district without reduction of local ability in the resultant less affluent proposed unified district may be approved without regard to material deviation; and be it further

Resolved, That in declaring its understanding that the problems of proper school district organization in Kern County do represent a unique situation which is not matched elsewhere in this state, the Legislature reaffirms its intent as expressed in Assembly Bill 145, Chapter 132, Statutes of the 1964 First Extraordinary Session, that unification along existing high school boundaries shall be the policy of this state, to be deviated from only in exceptional circumstances, and further, that it is not the intent of the Legislature to change the principles of sound and efficient school district reorganization embodied in Assembly Bill 145; and be it further

Resolved, That a copy of this resolution shall be transmitted to the State Board of Education, the Superintendent of Public Instruction, the Kern County Committee on School District Organization, the Kern County Superintendent of Schools, and the governing board of each school district in Kern County.

CHAPTER 22

Senate Joint Resolution No. 6—Relative to the impact of federal defense activities on California public schools.

[Filed with Secretary of State April 18, 1966.]

WHEREAS, The establishment and operation of federal defense activities create an impact on the public schools of the areas adjacent thereto; and

WHEREAS, The federal government has recognized responsibility for the impact on affected school districts through the enactment of Public Laws 815 and 874; and

WHEREAS, It is now proposed that Congress modify the apportioning formula of the existing laws; and

WHEREAS, The modification of the existing formulas would result in reduced apportionments to all local school districts serving children in federally impacted areas; and

WHEREAS, Many school districts in the State of California would be so affected by such reduction; and

WHEREAS, It is desirable that the present formulas be continued separate from any consideration of education aid under the Elementary and Secondary Education Act, Economic Opportunity Act, or any other federal proposal for specific aid to education; 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 Congress of the United States to continue for the 1966–67 school year the vitally needed programs of assistance to public education in Public Laws 815 and 874 by retaining the present apportionment formulas and the present level of aid; 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 23

Assembly Concurrent Resolution No. 22—Relative to the Fairs Allocation and Classification Committee.

[Filed with Secretary of State April 19, 1966]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of fifteen thousand five hundred dollars ($15,500), 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 Fairs Allocation and Classification Committee created pursuant to Section 92 7 of the Agricultural Code and its members, and for any charges, expenses or claims it may incur under said section, to be paid from said contingent funds equally and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 24

Assembly Concurrent Resolution No. 24—Relative to commemorating Congressman John F. Baldwin.

[Filed with Secretary of State April 19, 1966.]

WHEREAS, The recent death of John F. Baldwin has deprived Contra Costa County of its very able and respected representative in Congress and brings to an end 11 years of such service generally agreed to have been genuinely outstanding; and

WHEREAS, John Baldwin was born in Danville, where his grandfather had settled in 1852, and attended the University of California prior to enlisting in the army as a private in World War II, from which he emerged a lieutenant colonel five years later and went on to the University of California's Boalt Hall School of Jurisprudence which awarded him a bachelor of law degree in 1949, after which he practiced law for several years in Martinez; and

WHEREAS, His principal legislative interest was in public works, wherein he made a major contribution to the highway beautification program and recently secured an appropriation to permit the Secretary of Commerce to study highway safety programs, and he was also active in civil rights legislation and conservation; and

WHEREAS, He was unfailingly concerned and effective in programs of benefit to his district such as the new veterans hospital he secured for the City of Martinez and his successful effort to block the San Luis Interceptor Drain until a study could determine what its impact would be on the area; and

WHEREAS, A characteristic tribute paid John Baldwin was that accorded in 1960 by the Council for California Recognition Plan, which grades legislators on their effectiveness, and which has cited him for outstanding achievement on three occasions and stated at that time that he was "generally credited with possessing one of the most careful and precise minds in the House"; and

WHEREAS, The courtesies and attention that he extended his constituents who visited him in Washington coupled with the respect generated by his accomplishments accounted for the substantial majorities that he received as a Republican running in a district whose registration was over 60 percent Democratic; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby conveys to his family their recognition of the loss which they have experienced, with the hope that the knowledge, that this sense of loss is widely shared in John Baldwin's community and his nation, will bring a measure of comfort; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to his widow Mary, and to his daughters Georgia, Doris and Sylvia.

CHAPTER 25

Assembly Joint Resolution No. 6—Relative to duck hunting.

[Filed with Secretary of State April 20, 1966.]

WHEREAS, During the 1965 duck hunting season, the daily bag limit of five ducks per day was based on the species involved, including a provision that the daily bag limit could not include more than (a) two wood ducks, (b) two canvasbacks, and, (c) in the alternative, three mallards or three pintails or three in the aggregate of both kinds; and

WHEREAS, Such a bag limit created almost impossible confusion among even the most seasoned duck hunters and completely baffled the novice hunter, with the result that large numbers of the supposedly protected species, which were inadvertently killed, were left to go to waste in the field when the hunter determined they would be illegal for that day's bag limit; and

WHEREAS, Proper protection for endangered or depleted species is a legitimate goal in the establishing of bag limits, but if the bag limit is unrealistic or is so difficult in application under field conditions as to actually result in not only unnecessary taking of the species, but also the wanton waste of the bird after it is taken, such bag limit must be revised and other more appropriate means taken for such protection; and

WHEREAS, State legislatures and fish and game commissions are powerless to solve this problem since they may act only within the framework of prescribed limits established by the federal government through the Department of the Interior under the Migratory Bird Treaty Act; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the appropriate federal authorities are memorialized, in establishing duck hunting bag limits, to avoid whenever possible the chaotic conditions created by the 1965 season system of species limits, and instead to devise other means to properly protect endangered species which do not lead to such confusion and needless waste; 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, 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 the United States Department of the Interior.

CHAPTER 26

Assembly Constitutional Amendment No. 1—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 indebtedness of local public entities.

[Filed with Secretary of State April 21, 1966.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1966 First Extraordinary Session commencing on the tenth day of February, 1966, 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 that: any such public entity which is authorized to maintain a public library may incur indebtedness or liability in the form of general obligation bonds for library purposes only, and any such public entity which is authorized to incur any form of indebtedness or liability for public school purposes may incur any form of indebtedness or liability for public school purposes only, provided that any proposition for the incurrence of indebtedness or liability in the form of general obligation bonds for library purposes only or any proposition for the incurrence of any form of indebtedness or liability for public school purposes only is approved by 60 percent of the qualified electors of the public entity voting on the proposition and the proposition is submitted to the electors at the same time as a statewide primary or general election.

Before or at the time of incurring any indebtedness or liability under this section, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness or liability 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.

Any provision herein to the contrary 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 proposi-

tions, 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 1966 First Extraordinary Session, there is presented also, to the voters of any public entity subject to this section any proposition for the issuance of general obligation bonds for library purposes only, or any proposition for the incurrence of any form of indebtedness or liability for public school purposes only, the issuance of such general obligation bonds, or the incurrence of such indebtedness or liability, under any such proposition, 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 proposition for issuance of such general obligation bonds, or the incurrence of such indebtedness or liability, is approved by 60 percent of the qualified electors of the public entity voting on such proposition.

CHAPTER 27

Assembly Concurrent Resolution No. 35—Relative to the 40th Anniversary of Western Air Lines.

[Filed with Secretary of State April 21, 1966.]

WHEREAS, On April 17, 1966, a milestone will be observed in the aviation industry as Western Air Lines—the nation's oldest airline—celebrates its 40th anniversary; and

WHEREAS, With a ruggedness matching the early settlers of the land that today rolls swiftly beneath its 600-mile-an-hour jets, Western Air Lines, incorporated on July 13, 1925, has survived many hardships and dark days and remains the only air carrier that has operated continuously since the industry's hectic beginning; and

WHEREAS, Stoically as the Indian gracing the nose of every Western Air Lines plane, the company watched friends and competitors of the late 1920's disappear one by one, absorbed or dissolved—Inland, Varney, Pacific Marine, National Parks —the list rolls on, a historian's delight; and

WHEREAS, Using a hayfield as its first airport and a movie studio as its first hanger, Western Air Express, as Western Air Lines was known until 1941, began operations on April 17, 1926, flying eastbound United States mail in open-cockpit Douglas M-2 biplanes along the route between Los Angeles and Salt Lake City via Las Vegas; and

WHEREAS, A mere five weeks later, on May 23, 1926, Western carried its first passenger, a Salt Lake City businessman, who made the historic flight sitting on a mail sack with the wind in his face; and

WHEREAS, By the end of 1926, Western Air Lines had carried 209 passengers, and of cheer to the founders of the line was the fact that a net profit for that short year had been made amounting to $1,029; and

WHEREAS, In 1928, multiengine aircraft entered the scene in the Western Air Lines operations when the Daniel Guggenheim Fund granted the company $180,000 for the purchase of a trio of 12-passenger Fokker F-10 trimotor aircraft to operate a "model airway" between Los Angeles and San Francisco; and

WHEREAS, Western Air Lines, through continual experiment and experience, is the originator of many "firsts" in aviation, including: first in-flight meals, first limousine service, first log books for passengers, first two-way aviation radio, first airline to have en route weather-reporting stations, first commercial 4-engine transports, first directional radio compass, first airborne television, and first to fly 10 years without injury to a passenger; and

WHEREAS, Through several sieges of expansion, contraction and expansion—characteristic of the "growing pains" of early commercial aviation—Western doggedly held on to its identity as a company, and reflecting the growing importance of passenger, as opposed to cargo, the word "Express" was dropped from the company name in 1941, and it became Western Air Lines; and

WHEREAS, During World War II, Western Air Lines operated the hazardous "Sourdough Operation," flying men and material between Montana, the Yukon Territory and Alaska; all accomplished with a perfect safety record; and

WHEREAS, Following the end of World War II, under the dynamic leadership of president Terrell C. Drinkwater, route expansion added further to the company's coverage of the West: the national parks, Canada via Calgary, Mexico City, and Acapulco, and today, Western Air Lines serves 34 cities in the United States, Canada and Mexico, from the West Coast to Minneapolis-St. Paul, spanning nearly 10,000 miles; and

WHEREAS, With an eye to the future, Western has applications pending before the Civil Aeronautics Board for routes to major cities in the Southwest and Midwest: to Vancouver and Toronto in Canada, and westward to Hawaii and the Far East; and

WHEREAS, Always considering the importance of passenger service, Western Air Lines has always flown the best equipment available—4-engine Douglas DC-6B's, Lockheed Electra II propjets, leased Boeing 707 jets and most recently, 122-passenger Boeing 720 B fanjets—and presently has on order several new Boeing 737-200 twinjets; and

WHEREAS, No longer operating out of a hayfield, nor making its passengers sit on mail sacks, Western Air Lines is a vigorous competitor in the jet age, financially strong, the sole sur-

vivor of "the early days" and constantly with an eye to the reason for it all—passenger service; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature joins in congratulating Western Air Lines on the occasion of its 40th anniversary and takes this opportunity to commend Western Air Lines for the significant role it has played in furthering the safety, convenience, and development of the commercial aviation industry; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitably prepared copies of this resolution to Terrell C. Drinkwater, president of Western Air Lines, and to Arthur F. Kelly, senior vice president—sales of Western Air Lines.

CHAPTER 28

Assembly Concurrent Resolution No. 37—Relative to congratulating Kern County on its 100th anniversary.

[Filed with Secretary of State April 21, 1966.]

WHEREAS, Kern County was organized 100 years ago by authority of the Legislature of the State of California and officially began its existence on April 2, 1866, with its capital at Havilah; and

WHEREAS, In the succeeding century Kern County has contributed enormously to the wealth and progress of the State of California and the nation by its lavish production of precious metals, petroleum, rare earths, minerals, and agriculture; and

WHEREAS, Kern County has attained and held first rank among the nation's counties for more than half a century in the production of petroleum and for more than a quarter of a century in the production of several agricultural commodities; and

WHEREAS, In the course of the past century Kern County has been the location of vast agricultural, mining, and petroleum developments; has included the lines of two transcontinental railroads and three major airlines; has contributed to the development of several major agricultural crops through improved seed strains; and has opened new recreational areas for the benefit of all Californians; and

WHEREAS, Kern County, with its outstanding geographic and climatic attributes, is the location of two of the world's largest and most significant military ordnance and aircraft and space development establishments; and

WHEREAS, Kern County, through its unfailing support of all projects designed to advance the progress of the great State of California in economic, social and cultural avenues, and through its history, demonstrates the sturdiness and enterprise

of its citizens and the steadfastness of their devotion to the highest ideals of California citizenship; 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 extends its warmest congratulations to Kern County and its citizens upon the occasion of the 100th anniversary of the organization of the founding of the county and its sincere hope that the future will bring continued progress and prosperity to this beautiful area of California; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a suitably prepared copy of this resolution to Kern County.

CHAPTER 29

Assembly Joint Resolution No. 8—Relative to federal funds for agriculture.

[Filed with Secretary of State April 21, 1966.]

WHEREAS, The world food supply is one of the greatest problems facing mankind; and

WHEREAS, The abundance and great efficiency of food production in the United States has resulted from teaching, research, and extension programs for agriculture in our universities; and

WHEREAS, The budget recommendation to the Congress by President Lyndon B. Johnson for 1966–67 includes changes that reduce teaching, research, and extension service funds in very substantial amounts; and

WHEREAS, Such funds are designated Morrill Funds, Hatch Formula Funds, Smith-Lever Funds, and Research Facilities Funds; and

WHEREAS, Such action will reduce the University of California funds in the following amounts:

Morrill Funds (Instruction-Agriculture, Engineering and Chemistry)	$573,580
Hatch Formula Funds (Research-Agriculture)	267,196
Smith-Lever Funds (Agricultural Extension)	276,600
Research Facilities (Agriculture)	54,556
Total reduction	$1,171,932;

and

WHEREAS, These budget reductions will seriously impair agricultural research, teaching, and agricultural extension at the University of California, as well as other universities in the country; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Con-

gress of the United States to restore to the federal budget the funds for teaching, research and education in the area of agriculture; 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 30

Assembly Joint Resolution No. 12—Relating to beach erosion and pollution in the Miramar and El Granada beach areas.

[Filed with Secretary of State April 21, 1966]

WHEREAS, The Miramar and El Granada beach areas serve the recreation needs of the people of San Mateo County and the State of California; and

WHEREAS, The use of the Miramar and El Granada beach areas has been seriously impaired by severe beach erosion; and

WHEREAS, The use of the Miramar and El Granada beach areas has been further impaired by the washout of the Granada Sanitary District mainline, with the resultant pollution creating an emergency of considerable magnitude; and

WHEREAS, The severe beach erosion and pollution of the beach areas require immediate remedial action in order to protect the welfare and health of the people of San Mateo County and of the State of 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 requests the Congress of the United States and the United States Army Corps of Engineers to undertake whatever action is necessary and appropriate to correct the severe beach erosion and pollution conditions which exist in the Miramar and El Granada beach areas in San Mateo County; 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, to each Senator and Representative from California in the Congress of the United States, and to the Chief of the United States Army Corps of Engineers.

CHAPTER 31

Assembly Joint Resolution No. 11—Relative to the American Film Institute.

[Filed with Secretary of State April 25, 1966.]

WHEREAS, It has come to the attention of the Members of this Legislature that the federal government, in establishing the National Foundation on Arts and Humanities, has authorized the creation of an American Film Institute; and

WHEREAS, Such an institute should be located in an area which is synonymous with the development and production of motion picture films; and

WHEREAS, There is only one city in the world which can meet these qualifications, Hollywood, California; and

WHEREAS, Millions recognize Hollywood as the "Motion Picture Capital of the World," for no other area has been so closely connected with the growth of the picture business; and

WHEREAS, It is only fitting that Hollywood, which has supplied the world with so many delightful motion pictures, should be chosen as the location of the new American Film Institute; 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 take whatever steps are necessary to insure that the American Film Institute will be located in Hollywood, 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 Mr. Roger L. Stevens, the Chairman of the National Council on the Arts.

CHAPTER 32

Assembly Concurrent Resolution No. 36—Relative to Mrs. Walter (Pat) Dunbar.

[Filed with Secretary of State April 25, 1966.]

WHEREAS, Pat Dunbar has served for the past six years as public affairs chairman for the California Council for Retarded Children; and

WHEREAS, She has enthusiastically met the challenge of improving the state government's role in serving the mentally retarded by creatively suggesting to the Legislature ways

in which profitable programming for the retarded could be developed; and

WHEREAS, Her boundless energies have allowed her to travel throughout California, attending meetings of local associations for retarded children, and describing to them current legislative activities in Sacramento; and

WHEREAS, She is largely responsible for the development of legislation for the developmental centers for the severely handicapped, and for the new regional diagnostic and counseling service centers; and

WHEREAS, Pat Dunbar has personally led the struggle for improvement in our state hospitals, not only through her periodic visits to these hospitals but also through her tireless efforts devoted to revising state hospital programs and raising the pay scale of their employees; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature commend Pat Dunbar for her important accomplishments as public affairs chairman and architect of the legislative programs of the California Council for Retarded Children; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Pat Dunbar.

CHAPTER 33

Assembly Concurrent Resolution No. 38—Approving an amendment to the Charter of the City of Culver City, County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the 12th day of April 1966.

[Filed with Secretary of State April 26, 1966.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment hereinafter set forth to the Charter of the City of Culver City, a municipal corporation of the County of Los Angeles, State of California, as 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 CULVER CITY OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Los Angeles }
City of Culver City }

We, the undersigned, Dan Patacchia, Mayor of the City of Culver City, County of Los Angeles, State of California, and Agnes V. Christensen, City Clerk and Ex-Officio Clerk of said

City Council of the City of Culver City, do hereby certify and declare as follows:

That the City of Culver City, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was, a city having a population of more than thirty-five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants, and has been, since January 21, 1947, and is now organized and acting under a 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 a majority of the qualified electors of such City at a special election held for that purpose on the 7th day of January, 1947, 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, 1947, (Statutes 1947, page 3386).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, on its own motion the Council of the City of Culver City, being the legislative body thereof, duly and regularly submitted to the qualified electors of the said City of Culver City a certain proposal for the amendment of the Charter of said City, to be voted upon by said qualified electors at a General Municipal Election held, as provided for by law, in said City on the 12th day of April, 1966, which said proposal was designated as Proposed Charter Amendment.

That the City Council at its regular meeting held on the 24th day of January, 1966, by Resolution No. CS-5493, adopted by a four-fifths vote of said City Council, submitted to the electors of said City of Culver City at the General Municipal Election to be held in said City on the 12th day of April, 1966, the proposition of the adoption of said proposed Charter amendment framed by the legislative body of said City, which proposed Charter amendment is set out in said Resolution and designated as Proposed Charter Amendment to the Charter of the City of Culver City, California.

That said proposed Charter amendment was published and advertised in accordance with Section 8, Article XI of the Constitution of the State of California, in the Evening Star-News, a daily newspaper of general circulation, printed, published and circulated in said City of Culver City.

That pursuant to the law in such cases made and provided, the said proposed amendment was submitted to the qualified electors of said City for their ratification at said General Municipal Election, and that at said Election, a majority of the qualified electors voting thereon voted in favor of the ratification and did ratify said proposed amendment to the Charter of said City, hereinafter fully set forth.

That the City Council of the said City of Culver City, in accordance with the law in such cases made and provided, did meet on the 19th day of April, 1966, at its usual place

of meeting and duly canvassed the returns of said election as certified by the election boards and duly found, determined and declared that said proposed amendment to the Charter of the City of Culver City was ratified by a majority of the electors of said City voting thereon.

That said Amendment to the Charter so ratified by the electors of the City of Culver City is in words and figures as follows:

"SHALL SECTION 502 of the CITY CHARTER of CULVER CITY be amended so that the councilmen shall receive compensation for their services in accordance with the provisions of the state law as set forth in the GOVERNMENT CODE?"

That the Charter shall be worded as follows:

"Section 502. Compensation. The members of the City Council shall receive compensation for their services in accordance with the provisions of the State law as set forth in the Government Code."

That we have compared 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 and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Culver City to be affixed hereto this 20th day of April, 1966.

(CITY SEAL)

DAN PATACCHIA
Mayor of the City of
Culver City, California

Attest: AGNES V. CHRISTENSEN
City Clerk

WHEREAS, The proposed charter amendment, as ratified as hereinabove set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration 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 amendment to the Charter of the City of Culver City as proposed to and adopted and ratified by the electors of the city, as hereinabove 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 Culver City.

CHAPTER 34

Assembly Joint Resolution No. 14—Relative to experimental fish protein concentrate plants.

[Filed with Secretary of State April 27, 1966.]

WHEREAS, The development of a means for low cost production of fish protein concentrate would mean that more than a thousand million human beings, who now suffer the misery of chronic malnutrition, would have an opportunity for a better diet; and

WHEREAS, Protein deficiency diseases are the largest single source of infant mortality in the world today; and

WHEREAS, The ocean resources off California contain vast numbers of fish, other than anchovies, such as the Pacific hake, which could be used for such a program without endangering either their population or the other fish resources of the state; and

WHEREAS, Proper development of a fishery for such purpose could greatly aid the commercial fisheries of this state and be a substantial addition to the state's economic prosperity; and

WHEREAS, The Conservation and Wildlife Committee of the California Assembly has considered this matter on numerous occasions and attempted to further the development of a program to provide such a concentrate; and

WHEREAS, California has increased its expenditures in this area, including an appropriation in the budget for this year of $92,000 from the state's General Fund for research; and

WHEREAS, Legislation has been introduced in Congress which would authorize the expenditure of 5 million dollars for the construction of up to five experimental fish protein concentrate plants in the United States; and

WHEREAS, The earliest possible construction of such plants is essential to the development of an acceptable fish protein concentrate which can so immeasurably aid in relieving the suffering of so many persons in the world; 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 at the earliest possible time to authorize construction of experimental fish protein concentrate plants; 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 35

Senate Joint Resolution No. 9—Relative to removal of restriction on title to Morro Bay Rock.

[Filed with Secretary of State April 27, 1966.]

WHEREAS, To preserve Morro Rock as an historical site, natural landmark and public park, the Congress of the United States, prior to 1935, was requested to authorize the conveyance of said rock to the State of California; and

WHEREAS, The Congress of the United States, by an act approved May 28, 1935 (49 Stat. 311), authorized the Secretary of Commerce to convey Morro Rock to the State of California for public park purposes; and

WHEREAS, The United States did so convey Morro Rock to the State of California for public park purposes by deed dated August 17, 1935 (covering approximately 30.00 acres), executed pursuant to said act, and by deed dated September 15, 1960 (covering 0.69 acre), executed pursuant to the Federal Property and Administrative Services Act of 1949; and

WHEREAS, The deed dated August 17, 1935 reserved to the United States of America the right to resume ownership, possession and control, for government purposes, of any of the property so conveyed, at any time and without the consent of the State of California; and

WHEREAS, The right so reserved impairs the use and management of Morro Rock by the State of California for public park purposes, and its preservation as an historical site; 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 requested to authorize the removal of the restriction on the title to Morro Rock without monetary consideration based upon its character as an historical site and public park, qualifying it for transfer at no cost; 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 President pro Tempore of the Senate, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 36

Senate Joint Resolution No. 7—Relative to San Joaquin Valley air service.

[Filed with Secretary of State April 28, 1966.]

WHEREAS, There is now pending before the Civil Aeronautics Board Docket 15574, known as the United-Pacific Transfer Case, wherein United Airlines has petitioned to eliminate its existing air service to the Cities of Bakersfield, Visalia, Fresno, Merced, Modesto and Stockton, and Pacific Air Lines has requested that it become the exclusive air carrier in the San Joaquin Valley; and

WHEREAS, The Legislature of the State of California appreciates the wisdom and merit of reducing federal subsidies to local service air carriers such as Pacific Air Lines, provided that this can be accomplished without a concomitant reduction or downgrading of airline service to the smaller communities served by such air carriers; and

WHEREAS, The Civil Aeronautics Board's Bureau of Operating Rights has estimated that the proposed transfer of service would result in only about a 1 percent reduction of Pacific Air Lines' annual federal subsidy for its valley service of over one million dollars; and

WHEREAS, However, arguments and factual material presented to the Civil Aeronautics Board by the six above-named San Joaquin Valley cities tend to show that Pacific Air Lines' proposed exclusive valley service would not only downgrade passenger service to the valley but would also severely and adversely affect air cargo service to local industry there; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby respectfully memorializes the Civil Aeronautics Board to consider as alternatives to the granting of approval of the proposed substitution in air service to the San Joaquin Valley of California either the continued maintenance of the existing competitive situation between the two airlines affected, or the granting to United Airlines of exclusive air carrier rights in the San Joaquin Valley; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit copies of this resolution to the chairman of the Civil Aeronautics Board, the chairman of the Subcommittee on Aviation of the Senate Commerce Committee and each Senator and Representative from California in the Congress of the United States.

CHAPTER 37

Assembly Concurrent Resolution No. 39—Relative to Senior Citizens' Month.

[Filed with Secretary of State April 28, 1966.]

WHEREAS, Governor Brown is designating May 1966 to be Senior Citizens' Month with the universal theme, "A New Day for the Older American"; and

WHEREAS, Countless older men and women in California have made invaluable contributions to the economic social and cultural development of our state; and

WHEREAS, It is appropriate that tribute be paid to the dignity, strength, abilities and skills of our senior citizens; and

WHEREAS, There is need for increased public awareness of new and expanded opportunities and community services for our senior citizens; and

WHEREAS, The designation of May 1966 as Senior Citizens' Month provides an excellent opportunity to reinforce local, state, and national efforts in the development of comprehensive programs and measures to assure future generations of security, health, and happiness consistent with our nation's ideals; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That May 1966 is declared to be Senior Citizens' Month in California; and be it further

Resolved, That the State of California shall offer stimulation, cooperation, and direction in providing hope and renewed vigor for the older Californian as well as our youth who will be the senior citizens of tomorrow; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mrs. Janet J. Levy, Executive Secretary, Citizens' Advisory Committee on Aging; Mr. Stanley E. Sworder, Chief, Bureau of Adult Education of the State Department of Education; Mr. Albert B. Tieburg, Director, Department of Employment; Mr. Ernest B. Webb, Director, Department of Industrial Relations; Dr. James V. Lowry, Director, Department of Mental Hygiene; Mr. Fred L. Jones, Director, Department of Parks and Recreation; Mr. Warren Thompson, Director, Department of Rehabilitation; and Mr. J. M. Wedemeyer, Director, Department of Social Welfare.

CHAPTER 38

Assembly Concurrent Resolution No. 40—Approving certain amendments to the Charter of the City of Newport Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on April 12, 1966.

[Filed with Secretary of State April 28, 1966.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of charter amendments, hereinafter set forth, to the Charter of the City of Newport Beach, a municipal corporation, in the County of Orange, State of California, and set out in the certificate of the Mayor and City Clerk of said city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF NEWPORT BEACH

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

We, the undersigned, Paul J. Gruber, Mayor of the City of Newport Beach, and Margery Schrouder, City Clerk of said City, do hereby certify and declare as follows:

That the City of Newport Beach, a municipal corporation in the County of Orange, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said city, being the legislative body thereof, on its own motion, submitted to the qualified electors of said city certain proposals for the amendment of the Charter of said city at a general municipal election duly and regularly called and held in said city on the 12th day of April, 1966, said charter amendments being herein designated as Newport Beach Charter Amendments Numbers One through Thirteen, inclusive.

That on the 24th day of February, 1966, said City Council caused said Newport Beach Charter Amendments to be duly and regularly published and advertised in each and every edition of said 24th day of February, 1966, in the Newport

Harbor Ensign, 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, 1966, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed charter amendments, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify each of said Newport Beach Charter Amendments, hereinafter specifically set forth.

That said amendments to the Charter of said city so ratified by the voters of said city are as follows, to wit:

Newport Beach Charter Amendment Number One

Section 402 of the Charter was amended to read as follows:

"Section 402. Compensation. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty. In addition, each member shall receive the sum of Two Hundred Dollars per month, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon him in serving as a City Councilman. Absence of a Councilman from all regular and special meetings of the Council during any calendar month shall render such Councilman ineligible to receive such sum for such calendar month."

Newport Beach Charter Amendment Number Two

Section 404 of the Charter was amended to read as follows:

"Section 404. The Mayor. Mayor Pro Tempore. On the first Tuesday following any general or special municipal election at which any Councilman is elected, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. 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.

In addition to the payment for expenses as a Councilman under Section 402, the City Council may provide by resolution for the payment to the Mayor of an allowance of not

exceeding One Hundred Dollars per month to reimburse him for the additional demands made upon him and expenses incurred by him in serving as Mayor.

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."

Newport Beach Charter Amendment Number Three

Section 602 of the Charter was amended to read as follows:

"Section 602. 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 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. He shall prosecute misdemeanor offenses arising under State law if authorized and directed to do so by ordinance or resolution adopted 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 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 any litigation or matter or to assist the City Attorney therein."

Newport Beach Charter Amendment Number Four

Section 610 of the Charter was amended to read as follows:

"Section 610. 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 any department head or other officer having appointive power appoint any relative of his within such degree to any such position."

Newport Beach Charter Amendment Number Five

Section 706 of the Charter was amended to read as follows:

"Section 706. Planning Commission. Members. There shall be a Planning Commission consisting of seven members. The Planning Director, the City Engineer and the City Attorney, or their assistants, shall meet with and participate in the discussions of the Planning Commission but shall not have a vote."

Newport Beach Charter Amendment Number Six

Section 709 of the Charter was amended to read as follows:

"Section 709. Parks, Beaches and Recreation Commission. Powers and Duties. There shall be a Parks, Beaches and Recreation Commission consisting of seven members.

The Parks, Beaches 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, beaches, recreation, parkways and street trees.

(b) Consider the annual budget for parks, beaches, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(c) Approve or disapprove the appointment, suspension or removal of the Parks, Beaches and Recreation Director who shall be the department head.

(d) Assist 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.

(e) Establish policies for the acquisition, development and improvement of parks, beaches and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council.

(f) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter."

Newport Beach Charter Amendment Number Seven

Section 1005 of the Charter was amended to read as follows:

"Section 1005. Districts. The City is hereby divided into seven districts, the names and respective boundaries of which shall be as established by ordinance.

In 1959 and each fourth year thereafter the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries be fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of the seven districts herein established. The boundaries so defined shall be established in such manner that the district shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Notwithstanding the provisions of Section 401, no redistricting shall disqualify any Councilman from serving as Councilman from the district from which he was nominated or appointed for the remainder of his term, if elected, or until the next general municipal election, if appointed. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to an adjacent district or districts."

Sections 1006 through 1012 of the Charter, which contain obsolete descriptions of the seven councilmanic districts, were deleted from the Charter.

Section 1013 of the Charter was renumbered to Section 1006.

Newport Beach Charter Amendment Number Eight

Section 1107 of the Charter was amended to read as follows:

"Section 1107. 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 three-fifths 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, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City for 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 to the State Employees Retirement System 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, may be made annually for the following purposes in amounts not to exceed the limits hereinafter respectively enumerated in this Section, on each One Hundred Dollars of the assessed value of taxable property in the City:

1. For libraries in an amount not to exceed fifteen cents.

2. For advertising and promotion in an amount not to exceed ten cents.

3. For parks, beaches, civic beautification, recreation and playgrounds in an amount not to exceed fifteen cents.

The proceeds of special levies may be used solely for the respective purposes for which such levies have been made."

Newport Beach Charter Amendment Number Nine and Newport Beach Charter Amendment Number Ten

Section 1110 of the Charter was amended to read as follows:

"Section 1110. Contracts on Public Works. Every project for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such project, when the total expenditures required for the project exceed Five Thousand Dollars, or such lesser amount as may be established by ordinance, 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 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.

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

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

The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees or the supplies or materials may be purchased more economically on the open market, and after the adoption of a resolution to this effect by at least five affirmative votes of the Council may proceed to have said work done or said supplies or materials purchased 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 materials 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 Council and containing a declaration of the facts constituting such urgency."

Newport Beach Charter Amendment Number Eleven

Section 1113 of the Charter was amended to read as follows:

"Section 1113. Capital Improvement Fund. A fund for capital improvements generally is hereby created, to be known as the 'Capital Improvement Fund'. The City Council may create by ordinance a special fund or funds for a special capital improvement purpose The City Council may levy and collect taxes for capital improvements 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 three-fifths 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 improvements generally, then for any such purposes, and if for a special capital improvement, then for such purpose only, unless the use of such fund for some other capital improvement 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 improvement fund has been created has been accomplished, the City Council may transfer any unexpended or unencumbered surplus remaining in such fund to the fund for capital improvements generally, established by this Charter."

Newport Beach Charter Amendment Number Twelve

Section 1114 of the Charter was amended to read as follows:

"Section 1114. Claims and Demands. Except as otherwise provided by the provisions of State law applicable to chartered cities, all claims for damages against the City shall be filed as prescribed by ordinance.

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 ninety 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 provide for its payment out of the proper fund. Otherwise he shall reject it. The City Council may overrule any rejection by the Director of Finance and order the demand paid.

The Director of Finance shall transmit such demand, with his approval or rejection thereof endorsed thereon, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the City Manager, otherwise it shall require the approval of the City Council, 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 1116 of the Charter relating to lawsuits against the City which is in conflict with State law was repealed.

Section 1117 of the Charter was renumbered to Section 1116.

Newport Beach Charter Amendment Number Thirteen

Section 1402 (d) was added to the Charter to read as follows:

"Section 1402 (d). Exception to Section 1402. Notwithstanding the provisions of Section 1402, the City Council may sell and convey that parcel of City-owned real property described as follows, to wit:

That portion of Section Thirty-five (35) in Township Six (6) South, Range Ten (10) West, San Bernardino Base & Meridian together with that portion of Fractional Section Two (2), in Township Seven (7) South, Range Ten (10) West, San Bernardino Base & Meridian shown as Parcel 'A' on the map recorded in Book 80, Page 48 of Record of Surveys in the office of the County Recorder of Orange County, California, and described as follows:

Beginning at the most westerly corner of Lot 8, Block 22, Eastside Addition to Balboa Tract as shown on the map recorded in Book 4, Page 20 of Miscellaneous Maps in the office of the County Recorder of said County; thence S 70° 10′ 00″ E. 3.78 feet to the True Point of Beginning; thence continuing S 70° 10′ 00″ E. 26.22 feet; thence N 19° 50′ 00″ E 9.46 feet; thence West 27.87 feet to the True Point of Beginning."

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 each of said amendments 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 Newport Beach to be affixed hereto this 20th day of April, 1966.

(SEAL)

PAUL J. GRUBER
Mayor of the City of
Newport Beach, California
MARGERY SCHROUDER
City Clerk of the City of
Newport Beach, California

and

WHEREAS, Said proposed charter amendments as ratified (being hereinabove set forth) have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendments to the Charter of the City of Newport Beach as proposed to, and adopted and ratified by, the qualified electors of said City of Newport Beach be and the same hereby are approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of the City of Newport Beach.

CHAPTER 39

Senate Concurrent Resolution No. 15—Relative to district director positions in the Department of Water Resources.

[Filed with Secretary of State May 2, 1966]

WHEREAS, The Department of Water Resources of the State of California on August 4, 1965, requested the State Personnel

Board to amend the specifications for the positions of district engineer of the department in order to change the name of the position to district director and to eliminate the requirement that the position be filled by a registered civil engineer; and

WHEREAS, Members of the Legislature expressing concern as to the potential impact of this proposed change in the basic requirements for the specific position, did, upon convening, submit House Resolution No. 36 by Assemblyman Porter, on February 8, 1966, and Senate Resolution No. 10 by Senator Pittman on February 10, 1966, requesting study by appropriate interim committees of the subject; and

WHEREAS, Prior to legislative action on said resolutions, the State Personnel Board did, on March 4, 1966, change the specification to eliminate the basic requirement of registration as a civil engineer and did change the title to district director; and

WHEREAS, All district directors are registered civil engineers of high technical competence and proven administrative ability with many years of dedicated service still available to the state so that there was no need for immediate action by the State Personnel Board; and

WHEREAS, The intent of the Legislature with regard to protecting the public welfare, health, and safety in engineering matters is shown by the enactment of the existing registration laws which require demonstration of technical competence; and

WHEREAS, The State Water Resources Development System, a multibillion-dollar system, of vital importance to all the citizens of the state, is administered by the Department of Water Resources; and it is the major objective of this department to plan, design, build, maintain, and operate engineering works developing water resources in a safe, efficient, and optimum manner; and

WHEREAS, The efforts to date with regard to this system have been accomplished under the responsibility of registered civil engineers, have achieved worldwide renown, and are used as a model by other states and governments; and

WHEREAS, In time of emergency, such as would be caused by acts of aggression, flood, fire, or earthquake, the district offices of the Department of Water Resources would play an independent role within their respective areas of operation requiring immediate high-level engineering decisions on the part of the district director; and there is inherent danger in having nonqualified personnel making such decisions; and

WHEREAS, The action of the State Personnel Board on March 4, 1966, gives rise to a serious question as to the control and operation of our various state agencies in the face of possible contrary legislative intent; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the respective Committees on Rules are requested to refer for study to an appropriate in-

terim committee or committees the subjects referred to herein with the object of finding whether the legislative intent is being circumvented; and be it further

Resolved, That, in the event that any of the respective interim committees concludes that the specifications for the position of district director should require that the position be filled by a registered civil engineer, it shall submit its report thereon to the Department of Water Resources and request the department to request the State Personnel Board to reopen the matter for further consideration; and be it further

Resolved, That the respective Committees on Rules are requested to direct the committee or committees to which the subjects are referred to report their findings and recommendations to the Legislature not later than the fifth legislative day of the 1967 Regular Session of the Legislature.

CHAPTER 40

Senate Concurrent Resolution No. 18—Relative to motor vehicle pollution control.

[Filed with Secretary of State May 2, 1966.]

WHEREAS, At the present time air pollution presents a substantial and increasing threat to the public health, including irritation to the senses, visibility and vegetation in many areas of this state; and

WHEREAS, Excessive smoke emissions from motor vehicles of all types contribute to air pollution; and

WHEREAS, The laws of this state make it unlawful for any motor vehicle to be operated in a manner resulting in the escape of excessive smoke; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That all law enforcement agencies with jurisdiction under the laws of this state prohibiting excessive smoke emissions from motor vehicles are commended for their efforts to enforce such laws, and, in the light of the increasing public problem of such smoke emissions as factors contributing to air pollution, are urged to continue and to intensify such efforts; and, be it further

Resolved, That the Secretary of the Senate is hereby requested to transmit copies of this resolution to the Motor Vehicle Pollution Control Board; and to the Commissioner of the California Highway Patrol for distribution to all offices of the California Highway Patrol, to chiefs of police, and to county sheriffs in this state.

CHAPTER 41

Senate Joint Resolution No. 10—Relative to the East Side Division of the Central Valley Project.

[Filed with Secretary of State May 2, 1966]

WHEREAS, Congressman B. F. Sisk has introduced H.R. 14030, Congressman Harlan Hagen has introduced H.R. 14031, and Congressman John Moss has introduced H.R. 14202 in the Congress of the United States to authorize the East Side Division of the Central Valley Project; and

WHEREAS, The east side division will provide a much needed supplemental water supply to portions of Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus and San Joaquin Counties; and

WHEREAS, There is presently a serious overdraft of the ground water resources of this service area which has resulted in an immediate need for supplemental water; and

WHEREAS, There are some 5,000,000 acres of land within the east side division, of which a considerable portion will require a substantial supplemental water supply; and

WHEREAS, Forty-five percent of California's agricultural production, valued at nearly two billion dollars ($2,000,000,000), is produced in the San Joaquin Valley; and

WHEREAS, Several San Joaquin Valley counties are among the nation's leading producers of agricultural commodities; and

WHEREAS, The initial planned development will provide 1,500,000 acre-feet annually of supplemental water, primarily for agricultural use at a price the farmer can afford; and

WHEREAS, In addition to irrigation benefits, substantial flood control, recreation, fish and wildlife, and water quality control benefits will also accrue as a result of this project; and

WHEREAS, The initial supply will be made available through the operation of existing facilities of the Central Valley Project supplemented by unappropriated flows from the American, Stanislaus, and Sacramento Rivers; and

WHEREAS, The proposed project will have a dramatic economic and social impact upon the affected area by increasing agricultural production and farm income in addition to providing thousands of new jobs and otherwise benefiting the area; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California supports H.R. 14030, H.R 14031, H R. 14202, and similar legislation to authorize the East Side Division of the Central Valley Project and urges the Congress to enact such legislation at the earliest possible time; 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, to the Secretary of the Interior, to the United States Commissioner of Reclamation, to the Regional Director of Region 2 of the United States Bureau of Reclamation, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 42

Senate Joint Resolution No. 12—Relative to the Elementary and Secondary Education Act of 1965.

[Filed with Secretary of State May 2, 1966.]

WHEREAS, Under Title I of the Elementary and Secondary Education Act of 1965 federal funds are available to provide financial assistance to local educational agencies, including school districts, for the education of children of low-income families; and

WHEREAS, Although under such act a state is allocated the total amount of federal funds which all the local educational agencies in the state are eligible to receive, the maximum amount each local educational agency may receive is limited; and

WHEREAS, If an eligible local educational agency determines that other local educational agencies within the state are in greater need of such federal funds and does not apply for its share thereof, the state cannot reallocate those federal funds to another needy eligible local educational agency within the state beyond the permissible maximum for that local educational agency; and

WHEREAS, There are many local educational agencies in this state who are in need of funds beyond the maximum permitted under Title I of the Elementary and Secondary Education Act of 1965; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation to permit the state to approve grants to school districts of federal funds allocated to the state under Title I of the Elementary and Secondary Education Act of 1965 beyond the present maximums permitted under that act for individual school districts for the education of children of low-income families, where the school district is in need of such additional funds and the funds are made available by the failure of other eligible school districts to apply therefor so that the more needy school districts within the state could obtain additional funds; 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 from California in the Congress of the United States and to the United States Commissioner of Education.

CHAPTER 43

Senate Joint Resolution No. 13—Relative to regulating the handling of grapes produced in California.

[Filed with Secretary of State May 2, 1966]

WHEREAS, A serious problem of surplus grape production is said to exist in the State of California, and the United States Department of Agriculture has instituted proceedings to establish a federal marketing agreement and order regulating the handling of grapes produced in California; and

WHEREAS, The United States Department of Agriculture has indicated that the application of the marketing agreement and order shall not apply to the Counties of Marin, Sonoma, Napa, Solano, Yolo, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, San Benito, and Monterey because they do not contribute to the surplus; and

WHEREAS, It is clear that the grape growers located in the County of San Luis Obispo and in the areas south and east of the San Gorgonio Pass are not contributing to the surplus nor competing with areas that do contribute to the surplus; and

WHEREAS, The apparent intent of the federal action is to effect primarily only a portion of the State of California; and

WHEREAS, The laws of the State of California as implemented by the California Department of Agriculture provide adequate remedies for the solution of quality and production control, and federal intervention of this sort should be allowed only where it is needed and wanted; and

WHEREAS, The grape growers located in the areas south and east of the San Gorgonio Pass have already instituted action with the State of California to secure a state marketing order, in order to secure better quality control to solve their problems; and

WHEREAS, It appears that the areas in opposition to the federal marketing order have good cause to protest their inclusion and are not necessary to the effectiveness of the federal marketing order proposal for the rest of the state; 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 Secretary of the United States Department of Agriculture to exclude the County of San Luis Obispo and the areas south and east of the San Gorgonio Pass from the provisions of the federal marketing agreement and order regulating the handling of grapes produced in California; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Secretary of the United States Department of Agriculture and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 44

Assembly Concurrent Resolution No 18—Relating to a supplementary study by the Department of Water Resources of certain potential multipurpose water projects on the tributaries of the upper Sacramento River.

[Filed with Secretary of State May 3, 1966]

WHEREAS, Floods in recent years have caused severe damage and loss of property along the tributaries of the upper Sacramento River; and

WHEREAS, Development of these tributaries could provide unparalleled opportunities for recreation and fish and wildlife enhancement; and

WHEREAS, There is an urgent need to refine and upgrade Bulletin 150 issued by the Department of Water Resources (an earlier study of these tributaries), to take into consideration benefits for flood control for the entire upper Sacramento River area; 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 undertake a finalized economic and financial evaluation of the following potential multipurpose water projects on the tributaries of the upper Sacramento River: Paskenta-Newville Dam and Reservoir (Thomes Creek); Hulen and Dippingvat Dams and Reservoirs (Cottonwood Creek); Deer Creek Meadows Dam and Reservoir; and Millville Dam and Reservoir (Cow Creek); and report thereon to the Legislature by the second day of the 1968 Regular (Budget) Session; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of the Department of Water Resources.

CHAPTER 45

Assembly Concurrent Resolution No. 27—Relative to the north coastal area investigation.

[Filed with Secretary of State May 3, 1966.]

WHEREAS, The recent disastrous floods in the north coastal area have demonstrated the urgent need for the construction

of flood control works and water conservation and development facilities; and

WHEREAS, The rivers involved, which are now largely unharnessed, are a source of water to meet both local and other needs; and

WHEREAS, It is essential that an action program which will bring about overall basin development of these rivers at the earliest possible time be undertaken by the Department of Water Resources; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Water Resources is hereby requested to expend twenty thousand dollars ($20,000) of the money appropriated and budgeted for expenditure for the north coastal area investigation for an action program of investigation to enable the department to present to the Legislature for review specific recommendations as to all necessary local, as well as other, flood control and water conservation and development facilities, primarily on the Smith, Mad, and Van Duzen Rivers and the South Fork of the Eel River, which the department determines must be constructed to accomplish overall basin development of such rivers, taking into full consideration the necessity for flood control, the preservation and enhancement of fish and wildlife, and all other evaluations as pertain to the preservation and enhancement of other natural resources in the basins; and be it further

Resolved, That the Chief Clerk of the Assembly will transmit a copy of this resolution to the Director of Water Resources.

CHAPTER 46

Assembly Concurrent Resolution No. 28—Relating to the financing and construction of the Paskenta-Newville Project on Thomes Creek.

[Filed with Secretary of State May 3, 1966.]

WHEREAS, Floods in recent years have caused severe damage and loss of property along the tributaries of the upper Sacramento River; and

WHEREAS, Development of these tributaries could provide unparalleled opportunities for recreation and fish and wildlife enhancement; and

WHEREAS, One of the projects presently proposed in this area is the Paskenta-Newville Project on Thomes Creek in Tehama and Glenn Counties; and

WHEREAS, This project has outstanding potential, not only for flood control and recreation and fish and wildlife enhancement purposes, but also for water conservation purposes, to meet both local and statewide needs; and

WHEREAS, The multipurpose nature of this project, and the lack of adequate financial capacity at the local level to meet the costs involved in its construction, require that steps be taken to make this a joint venture project, with the local jurisdictions involved, the United States Army Corps of Engineers, the Bureau of Reclamation of the Department of the Interior, and the State of California cooperating in the financing and construction of the project; and

WHEREAS, Not only could funds under the Davis-Grunsky Act be made available by loans or grants to the local jurisdictions involved to assist in the construction of the project, by paying portions of the cost allocated to recreation and fish and wildlife enhancement, but also, since the project, as envisioned, would be larger than one which the local jurisdictions involved would propose to construct for their own purposes, the state would be authorized, under the Davis-Grunsky Act, to participate in financing, planning, designing, constructing, operating, and maintaining the project; and

WHEREAS, The United States Army Corps of Engineers is authorized by federal law to participate in projects which will provide flood control benefits, and the Bureau of Reclamation of the Department of the Interior is authorized to participate in small reclamation projects; and

WHEREAS, The immediate need is for a central state agency to initiate the necessary negotiations in order that this urgently needed project may be undertaken, on a joint venture basis, at the earliest possible time; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of Water Resources be requested to take immediate action in commencing negotiations with the local jurisdictions involved, the United States Army Corps of Engineers, and the Bureau of Reclamation of the Department of the Interior, in order to reach agreement and to initiate authorization proceedings which will result in the financing and construction, on a joint venture basis, of the Paskenta-Newville Project on Thomes Creek in Tehama and Glenn Counties; and be it further

Resolved, That the Director of Water Resources be requested to give particular consideration to the utilization of Davis-Grunsky Act funds to assist in financing this project—both in the making of loans and grants and in the participation by the state in this multipurpose project of statewide benefit; and be it further

Resolved, That the Director of Water Resources be requested to report the department's progress in its negotiations and other activities under this resolution to the Legislature by not later than the fifth legislative day of the 1967 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Director of Water Resources, to the Tehama County Flood Control and Water

Conservation District, and to the Board of Supervisors of Glenn County.

CHAPTER 47

Senate Concurrent Resolution No. 9—Relating to water resources.

[Filed with Secretary of State May 4, 1966.]

WHEREAS, Authorization by the Congress of the United States of the Paskenta-Newville Reservoir Project on Thomes and Stony Creeks, California, could provide urgently needed flood control, and low cost agricultural and municipal and industrial water to the west side of the Sacramento Valley; and

WHEREAS, The Paskenta-Newville Project could be constructed to reserve a substantial water conservation capacity in Newville Reservoir to meet the future needs of the state water project; and

WHEREAS, Features of the Paskenta-Newville Project could provide a vital link in an eastward diversion from the Upper Eel River basin of water developed for flood control, recreation, and fish and wildlife enhancement, and to augment the supplies of water in the Sacramento-San Joaquin Delta; and

WHEREAS, Joint state-federal participation in planning, construction and use of major water projects has undergone significant development in recent years, as witnessed by successful state-federal cooperation in connection with the San Luis Dam and Reservoir, the Oroville Dam and Reservoir, the pooling of water in the Sacramento-San Joaquin Delta, the San Joaquin Master Drain, and the Peripheral Canal; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of Water Resources explore, with appropriate officials of the federal government, the feasibility of developing an action program for early construction and operation of the Paskenta-Newville Project as a joint use facility of the state water project and the federal water resources development program, the project to be integrated (at least financially, for payout purposes) with the Central Valley Project; and be it further

Resolved, That the Director of Water Resources report his findings with respect to developing such an action program to the Legislature by the fifth legislative day of the 1967 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor, to the Administrator of Resources, and to the Director of Water Resources.

CHAPTER 48

Senate Concurrent Resolution No. 32—Approving an amendment to the Charter of the City of Needles, 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 12th day of April, 1966.

[Filed with Secretary of State May 4, 1966]

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 Needles, a municipal corporation, situated in the County of San Bernardino, State of California, as set out in the certificates of the mayor and the city clerk of said city as follows, to wit:

"State of California
County of San Bernardino } ss.
City of Needles

We, the undersigned, Herbert W. Martin, Mayor of the City of Needles, State of California, and Thelma E. Gregory, City Clerk of said City, do hereby certify and declare as follows:

The City of Needles, 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.

The Legislative body of said City on its own motion submitted to the electors of said City, at a General Municipal election, held within said City on the 12th day of April, 1966, a certain proposed amendment to the City Charter of said City.

Said proposed amendment was published in the Desert Star, 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, 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 election was duly and regularly held on said 12th day of April, 1966, 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 Amendment is as follows:

'Shall Section 524 of the Charter of the City of Needles be amended to read as follows:

Section 524. Contracts. Restrictions. The Council shall not have the power to make or authorize any contract or lease

or extension thereof for a longer period than fifty years unless said contract, lease or extension be approved by a majority of those qualified electors of the City voting on such question at any election. This section shall not apply to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing or acquisition of the products, commodity, facilities or services of any public utility.'

We 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 Needles to be attached on this 25th day of April, 1966.

(SEAL)

HERBERT M. MARTIN
Mayor of the City of Needles, California
THELMA E. GREGORY
City Clerk of the City of Needles, California".

and,

WHEREAS, Said amendment to the Charter of the City of Needles 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 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 amendment to the Charter of the City of Needles 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 Needles.

CHAPTER 49

Senate Joint Resolution No. 11—Relative to expansion of the Tehama-Colusa Canal.

[Filed with Secretary of State May 4, 1966.]

WHEREAS, The Tehama-Colusa Canal, under existing authorizations, is limited to serving the Counties of Tehama, Glenn and Colusa; and

WHEREAS, There is a desperate need for water resources in the Counties of Yolo, Solano, Lake and Napa, which are south of the planned terminal point for the canal; and

WHEREAS, Representative Harold T. (Bizz) Johnson of the Second District and Robert Leggett of the Fourth District have introduced legislation to authorize the expansion of the canal to the four counties; and

WHEREAS, The California Congressmen cited the fact that 200,000 acres of very rich land in Yolo and Solano Counties are in need of water to realize their productive capacity and that Bureau of Reclamation officials indicate that prepared reports on the extension indicates it to be one of the most favorable proposals in the reclamation program; and

WHEREAS, Provision now for canal capacity to serve the additional areas would result in an estimated total savings to the federal government of about $5,000,000, and the undertaking of construction in the year ahead would prevent any further delay and expense in serving the lands authorized in the existing 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 Congress of the United States to enact legislation to expand the Tehama-Colusa Canal to serve the Counties of Yolo, Solano, Lake and Napa; 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 50

Assembly Concurrent Resolution No. 15—Relative to the transportation of public school pupils.

[Filed with Secretary of State May 5, 1966]

WHEREAS, It has come to the attention of the Legislature that the regulations of the Superintendent of Public Instruction, prescribing formulas for the computation of financial allowances for the reimbursement of replacement expenses incurred by a school district in replacing schoolbuses, make no provision for such reimbursement in the situation where the transportation needs of a school district justify and require the replacement of small schoolbuses by larger buses; and

WHEREAS, These regulations should make provision to afford such financial allowances to a school district for the replacement of small schoolbuses maintained by the district by larger buses, particularly where the pupil transportation needs in connection with public school operations in a particular locality have been drastically altered as a result of the unification of school districts; and

WHEREAS, Provision for such reimbursement in connection with the replacement of small buses by large buses should be provided to unified school districts where unification has altered pupil transportation needs, provided that the replacement of small schoolbuses by the acquisition of larger buses will materially increase the efficiency of the district's pupil transportation program or will decrease operational costs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Superintendent of Public Instruction be requested to make the following provisions in his exercise of the authority given to him by Section 18059 of the Education Code to adopt regulations prescribing formulas for the computations of financial allowances for reimbursement of costs incurred by a school district in replacing schoolbuses: (a) make provision to afford such allowances to a unified school district for the replacement of small schoolbuses maintained by the district by larger buses; (b) make such allowances to such a unified school district with respect to which unification has altered transportation needs to an extent which will justify the replacement of small schoolbuses by the acquisition of larger schoolbuses, and provided that such replacement will materially increase the efficiency of the district's pupil transportation program or decrease operational costs; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the Superintendent of Public Instruction.

CHAPTER 51

Assembly Concurrent Resolution No. 29—Relative to an improved budget format and substantiation of budget requests.

[Filed with Secretary of State May 5, 1966.]

WHEREAS, The Legislature is vitally interested in the development of an improved budget format and substantiation of budget requests; and

WHEREAS, The Department of Finance has caused the preparation of sample program budgets for submission to the Legislature in 1965 and 1966, and proposes authorization of six additional positions in the 1966–67 Budget to implement conversion to the program budget format; and

WHEREAS, A program budget format that might be useful for legislative evaluation has not been adequately described, and confusion exists because of the absence of acceptable definitions of terms; and

WHEREAS, The Assembly Ways and Means Interim Subcommittee on Standards, Procedures and Reporting has been actively engaged for the past two years in examining work

measurement standards necessary to substantiate budget proposals; and

WHEREAS, A need exists to coordinate the legislative interests, goals and efforts with those of the administration and to coordinate the development of an improved budget format with the development of improved budget justification; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee shall establish criteria that would reflect the needs of the Legislature with respect to improving the budget format and supporting documentation; and be it further

Resolved, That the Joint Legislative Budget Committee shall seek to effect appropriate coordination of the changes in budget format proposed by the Department of Finance with the criteria developed by the committee and provide periodic review of these changes in behalf of the Assembly Ways and Means Interim Subcommittee on Standards, Procedures and Reporting relative to its review of work measurement standards, and, similarly, in behalf of any related interim study carried out by the Senate Finance Committee or any subcommittee thereof.

CHAPTER 52

Senate Concurrent Resolution No. 12—Relative to 52nd District Agricultural Association.

[Filed with Secretary of State May 6, 1966]

WHEREAS, The 52nd District Agricultural Association, popularly known as the Sacramento County Fair, holds its annual fair at the California State Fair Grounds on Stockton Boulevard in Sacramento; and

WHEREAS, The California State Fair and Exposition will transfer its activities to the new site on Arden Way, Sacramento, in 1968; and

WHEREAS, The planning of the State Fair Grounds at said site adjacent to the American River makes no provision for facilities or for rental of facilities for the 52nd District Agricultural Association's fair; and

WHEREAS, The Board of Directors of the 52nd District Agricultural Association has determined that the fair of said district should be held at its former site, owned by the district, comprising approximately 50 acres in the City of Galt, County of Sacramento; and

WHEREAS, The buildings and facilities that now exist upon said fair site in the City of Galt are not adequate to house a fair; and

WHEREAS, The citizens of the City of Galt enthusiastically favor the relocation of the Sacramento County Fair in Galt

and are wholeheartedly committed to its support, if such relocation is brought about; now, therefore, be it

Resolved by the Senate of the State of Californa, the Assembly thereof concurring, That the Department of Agriculture be directed to study all aspects of moving the fair of the 52nd District Agricultural Association, including, but not limited to, the feasibility of us ng the site in the City of Galt, the improvements and facilities required to make the Galt site suitable for use of the annual fair and for other purposes, and the estimated cost of providing required improvements and facilities at other sites, including the new State Fair site; and be it further

Resolved, That the Department of Agriculture is directed to report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1967 Regular 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 Director of the Department of Agriculture, to the Director of the Department of General Services, to the President of the 52nd District Agricultural Association, and to the Chairman of the California State Exposition and Fair Executive Committee.

CHAPTER 53

Senate Concurrent Resolution No. 16—Relative to public school construction.

[Filed with Secretary of State May 6, 1966.]

WHEREAS, The State Allocation Board and the State Department of Education were directed by Resolution Chapter 209 of the 1965 Statutes, in making determinations concerning the existing area of adequate school construction for purposes of making apportionments to school districts under the State School Building Aid Law of 1952, to insure that school districts have sufficient classrooms to accommodate the reduction in class size directed by recently enacted laws so they will have sufficient classrooms to reduce their pupils in grades one, two, and three to 30 pupils per classroom by 1969; and

WHEREAS, The amount of the need for additional building area, beyond that now permitted under the State School Building Aid Law of 1952, for new construction to accommodate the reduction in class size has not been established; and

WHEREAS, It has been determined by the Legislature that the subject matter is to be resolved by the enactment of appropriate legislation to be formulated after studies to be made in the interim period prior to the commencement of the 1967 Regular Session; and

WHEREAS, It is essential for those planning the construction of new schools to have guidance so the provisions of Chapter 132, Statutes of 1964 (1st Extraordinary Session) may be complied with; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Allocation Board is directed to place all school districts on notice that each school for which construction is begun subsequent to December 31, 1966, and which contains facilities for pupils in grades one, two or three, shall be planned and constructed within existing building area allowances and shall contain sufficient classrooms to accommodate all pupils in conformance with the provisions of Chapter 132, Statutes of 1964 (1st Extraordinary Session); and be it further

Resolved, That the State Allocation Board take appropriate steps to make sufficient building area available to construct the number of new classrooms required to reduce the classroom loading in grades one, two, and three for all schools, for which construction began prior to December 31, 1966, in conformance with the provisions of Chapter 132, Statutes of 1964 (1st Extraordinary Session); and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Chairman of the State Allocation Board and the Superintendent of Public Instruction.

CHAPTER 54

Senate Joint Resolution No. 16—Relative to the Interstate Highway System in California.

[Filed with Secretary of State May 6, 1966]

WHEREAS, The federal government has deleted certain mileage from the Interstate Highway System in the City and County of San Francisco because of the failure of that city to agree upon the location of routes; and

WHEREAS, This action in cutting back the Interstate Highway System in California, rather than revising it, will have a very serious effect on the highway program in this state; and

WHEREAS, This substantial reduction of federal highway aid to California will mean that highway projects in every area of the state will be delayed; and

WHEREAS, California already contributes substantially more toward the construction of the Interstate Highway System than it receives; and

WHEREAS, The Century Freeway (State Highway Route 42) would make an excellent segment of the Interstate Highway System and would diminish the serious impact of this loss for California; and

WHEREAS, On April 4, 1966, the San Francisco Board of Supervisors strongly urged that the Interstate Highway funds heretofore earmarked for expenditure in San Francisco be expended on the Century Freeway in the Los Angeles area; 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 Department of Commerce and the Bureau of Public Roads to place the Century Freeway (State Highway Route 42) in the Interstate Highway System at the earliest possible time; 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 Secretary of Commerce, to the Administrator of the Bureau of Public Roads, and to each Senator and Representative of California in the Congress of the United States.

CHAPTER 55

Assembly Concurrent Resolution No. 14—Relative to medical examinations for drivers' licenses.

[Filed with Secretary of State May 6, 1966]

WHEREAS, Section 12804 of the Vehicle Code was amended by Chapter 2024 of the Statutes of 1965 to provide, in effect, that an applicant for a class 1 or class 2 motor vehicle driver's license shall submit a doctor's report of medical examination of the applicant; and

WHEREAS, Section 12804, as thereby amended, provides that in establishing requirements for an examination for such a license consideration may be given Interstate Commerce Commission standards required of motor carrier drivers; and

WHEREAS, The Department of Motor Vehicles should have ample time in which to consider the motor carrier driver standards of the Interstate Commerce Commission and to establish, if possible jointly with the commission, standards relating to the issuance of class 1 and class 2 licenses pursuant to Section 12804 that are similar to the motor carrier driver standards established by the commission; and

WHEREAS, The establishment of standards for the issuance of class 1 and class 2 motor carrier drivers' licenses that are similar to those issued by the Interstate Commerce Commission would eliminate hardships that might otherwise flow from the imposition of different standards by the Department of Motor Vehicles and the commission; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the desire of the Legislature that the department accept an Interstate Commerce

Commission medical report from the holders of a valid Interstate Commerce Commission certificate in lieu of requiring a department medical report for an applicant for a class 1 or class 2 driver's license until January 1, 1967, so that the Department of Motor Vehicles and the Interstate Commerce Commission may have ample opportunity to determine and, if possible, establish uniform standards for the issuance of motor carrier drivers' licenses.

CHAPTER 56

Assembly Concurrent Resolution No. 32—Relative to adult education.

[Filed with Secretary of State May 6, 1966.]

WHEREAS, High school, unified, and junior college districts serve the adult population of the state; and

WHEREAS, The instructional programs are established for the purpose of enabling older youth, including high school dropouts, and adults to receive elementary certificates, high school diplomas, AA degrees, and vocational training program certificates; and

WHEREAS, In California approximately 7 percent of the adult population are functional illiterates; 17 percent of the adult population have not completed eighth grade requirements, and approximately 50 percent have not completed high school; and

WHEREAS, The Department of Education is faced with shifting patterns of administrative and fiscal responsibility for such adult educational programs because of lack of adequate definitions as to functions of unified, high school, and junior college districts concerning the education of adults; and

WHEREAS, Existing school law permits junior colleges, as a part of a unified school district, as well as separate junior college districts, to attach and maintain adult school programs consisting of elementary and secondary level instruction in classes for adults; and

WHEREAS, The transfer of adult school programs from high schools to junior colleges or from junior colleges to high schools often creates an improper drain and imbalance on the total equalization fund; and

WHEREAS, The Legislature is faced with the need for a clearer delineation of function so that the increasing responsibilities of high school, unified, and junior college districts in adult and continuing education can be faced adequately and responsibly to meet the State of California's social and economic structure; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature finds that it is

undesirable for high schools, unified, or junior college districts to transfer for administrative or apportionment purposes any part of any adult school program during the school years 1965–1966 and 1966–1967; and be it further

Resolved, That the Legislature requests the State Superintendent of Public Instruction not to approve any additional transfers of adult education programs between grade levels which are proposed solely for administrative or fiscal benefits during the 1965–1966 and 1966–1967 school years; and be it further

Resolved, That the Legislature expresses its intention to consider the feasibility of the enactment of legislation at the 1967 Regular Session relating to the elements of coordination, duplication, financial equity, and specificity of roles to be assigned to high school, unified, and junior college districts for the education of adults in order that state moneys may be provided to school districts for necessary programs in accordance with appropriate functions; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit copies of this resolution to the State Superintendent of Public Instruction, and to the governing board of each unified school district, high school district, and junior college district in the state.

CHAPTER 57

Assembly Concurrent Resolution No. 34—Relative to congratulating Donald W. Douglas.

[Filed with Secretary of State May 6, 1966.]

WHEREAS, Donald W. Douglas, Chairman of the Board of Douglas Aircraft Company, Inc., has been named California Manufacturer of the Year—1965; and

WHEREAS, He and his company have been pioneers in every phase of aerospace development since it was founded in 1920; and

WHEREAS, As a producer of military aircraft, beginning with the DT-1 in 1921, and continuing through the World War II years with such famous models as A-20's, SBD's, C-47's, and B-18's, the Douglas Aircraft Company added materially to America's air superiority by producing 16 percent of the military aircraft used during the Second World War; and

WHEREAS, This leadership at the same time pioneered air travel, starting with the DC-1 in 1933, following this with the DC-2 which won 19 American and foreign trophies including the Collier Trophy, and following this in turn with the unforgettable DC-3's; and

WHEREAS, Douglas Aircraft Company revolutionized post-war air travel with the introduction of the DC-6's and DC-7's; and

WHEREAS, These accomplishments were followed by even greater achievements with the introduction of the DC-8's which embarked America on a new and expanded era of leadership in air travel; and

WHEREAS, The problems of short-haul and small airports were overcome with introduction of the twin-jet DC-9's which extended the luxury of jet-age passenger travel to all; and

WHEREAS, Still greater progress will be marked when the supersonic transport appears in the near future; and

WHEREAS, This acknowledged leader in space age developments is now completing work on the Air Forces Manned Orbiting Laboratory which is scheduled for launching in 1968; and

WHEREAS, In compiling this long list of technical and manufacturing firsts, Donald W. Douglas has always demonstrated a deep concern for that which is good for California and at the same time urged all of the company's employees to do likewise; and

WHEREAS, Because of all of these accomplishments and a strict adherence to the highest standards of corporate and personal integrity, the California Manufacturers Association signally honored Donald W. Douglas by naming him California's Manufacturer of the Year—1965; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Members of the Legislature join in expressing their sincere congratulations to Donald W. Douglas upon his being named California Manufacturer of the Year—1965; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Donald W. Douglas and the California Manufacturers Association.

CHAPTER 58

Assembly Joint Resolution No. 10—Relating to motor vehicle pollution control.

[Filed with Secretary of State May 6, 1966.]

WHEREAS, The Secretary of Health, Education and Welfare is required by the federal Motor Vehicle Air Pollution Control Act (P.L. 89-272; 79 Stat. 992) to prescribe standards for the emission of substances from new motor vehicles which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons; and

WHEREAS, The State of California has established leadership in the control of emissions from motor vehicles; and

WHEREAS, The Department of Public Health is charged by this Legislature to establish necessary standards for emissions from motor vehicles so as to protect the public health; and

WHEREAS, These standards may be changed from time to time, based upon established need and engineering ability to control emissions from motor vehicles; and

WHEREAS, Experience in this state has shown a need for control of oxides of nitrogen; and

WHEREAS, Experience has shown a need to increase the standard for exhaust emissions of hydrocarbons from new motor vehicles to 180 parts per million by 1970; and

WHEREAS, Additional controls and more restrictive standards may be needed in the future; 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 Secretary of Health, Education and Welfare of the United States to prescribe the emission standards for blowby and exhaust and any other source defined by the California State Department of Public Health, as the national federal standard; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Secretary of Health, Education and Welfare of the United States and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 59

Assembly Joint Resolution No. 16—Relative to the impact upon local public school operations resulting from the curtailment of the employment of foreign nationals in agriculture.

[Filed with Secretary of State May 6, 1966.]

WHEREAS, The Congress of the United States has determined that the admission of Mexican nationals for performance of agricultural work in the United States under Public Law 78 of the 82nd Congress, as amended, shall be discontinued; and

WHEREAS, The admission of foreign nationals for the performance of agricultural work in the United States under the general immigration laws has thereby been curtailed; and

WHEREAS, The ensuing recruitment and employment of domestic workers has created many problems for agricultural communities in California in that such workers are, in the majority of instances, accompanied by families for whom special housing and a multitude of governmental and social services must be provided; and

WHEREAS, The impact of this influx of families into California communities is especially great in connection with the

maintenance of the already overcrowded public schools, and entails major expenditures for capital expansion and for instructional and other educational services without correlative increases in local fiscal resources for the school districts and other agencies maintaining the public schools; and

WHEREAS, Since these burdens placed upon the public school systems in numerous communities in California justify the immediate development of a federal program of subventions to enable affected school districts and other local agencies maintaining public schools to accommodate the great increases in enrollments; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to formulate and enact appropriate legislation to provide for a program of federal subventions for school districts and other local governmental agencies maintaining public schools which are affected by the impact of increased enrollments and related difficulties arising from the curtailment of programs for the recruitment and employment of foreign nationals in agriculture; 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 60

Senate Concurrent Resolution No. 5—Relative to a study of airspace utilization.

[Filed with Secretary of State May 9, 1966]

WHEREAS, California's dramatic increase in population and a concomitant urban land shortage have demonstrated the need for multiple use of publicly owned lands wherever possible and feasible; and

WHEREAS, The Senate Fact Finding Committee on Transportation and Public Utilities has in its current interim study hearings learned of outstanding examples of other states and countries successfully utilizing airspace over and under freeways; and

WHEREAS, The selective multiple use of air rights for such facilities as parks, recreational areas, transportation terminals, restaurants and office buildings should be thoroughly investigated; and

WHEREAS, There is little information currently available regarding not only the value of such air rights, but the impact of possible multiple-use facilities on freeways, the future and

continuing economic feasibility of projects constructed over freeways, consideration of the disbursement of air pollution resulting from freeway areas below airspace usage projects, and the effect of such projects on the local tax base, and any related community costs or benefits; and

WHEREAS, Adequate guidelines are desirable for state and local governments and the citizens of California to assist in the development of policies and procedures for the multiple use of airspace; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Transportation Agency is hereby requested to cause to have a comprehensive study undertaken to provide adequate information to state and local government on the procedural, legal, technical, financial, aesthetic and policy aspects of airspace development over and under freeways; and to report thereon to the Legislature not later than the fifth legislative day of the 1967 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the Governor of the State of California and the Administrator of Transportation.

CHAPTER 61

Senate Concurrent Resolution No. 22—Relative to a state park or recreation area on the Sacramento River known as the Dodson Recreation Area, Shasta County.

[Filed with Secretary of State May 9, 1966]

WHEREAS, There is a definite need for public facilities to serve the ever-increasing California residents seeking outdoor area for recreation purposes; and

WHEREAS, The Dodson Recreation Area of Shasta County offers a unique opportunity to provide the public with river front land of recreational values worthy of perpetuation in public ownership for the enjoyment of present and future California citizens; and

WHEREAS, An existing boat launching facility, funded by the Wildlife Conservation Board, would provide a nucleus of a recreational development on the site for public use; and

WHEREAS, Proposition No. 1, at the November 1964 general election, provides for expenditures of $150,000,000 for acquiring and developing state and regional beach, park, recreational and historical facilities; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Parks and Recreation is directed to undertake a project study to determine the feasibility of establishing a State Recreation Area at the Dodson Recreation Area and to comply with the provisions

of the Cameron-Unruh Beach, Park, Recreational and Historical Facilities Bond Act of 1964, and to report to the Legislature not later than the fifth legislative day of the 1967 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the Director of Parks and Recreation.

CHAPTER 62

Senate Concurrent Resolution No. 27—Approving amendments to the Charter of the City of Napa, a municipal corporation of the County of Napa, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the 12th day of April 1966.

[Filed with Secretary of State May 9, 1966.]

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 Napa, a municipal corporation of the County of Napa, 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 Napa } ss.
City of Napa }

CERTIFICATE OF RATIFICATION OF THIRTEEN 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 motion duly made and

entered on the minutes of said City Council, on February 14, 1966, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa thirteen 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, No. 8, No. 9, No. 10, No. 11, No. 12 and No. 13, filed in the office of the Clerk of said City of Napa on said February 14, 1966, 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 12th day of April, 1966.

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 1st and 10th days of March, 1966, 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 General Municipal Election was held in said City of Napa on April 12, 1966, 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, No 8, No. 9, No. 10, No. 11, No. 12 and No. 13, and that the City Council of the City of Napa, as provided by law, duly and regularly canvassed the returns of said election on the 19th day of April, 1966, 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 Exhibits "A" and "B" 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 is full, true, correct and exact copies thereof, and we further certify that the facts set forth in the preambles 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 19th day of April, 1966.

(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 100 of the Charter of the City of Napa be amended to read as follows:

Form of contracts.

Section 100. All contracts shall be in writing executed in the name of the City of Napa by an officer or officers authorized to sign the same and must be countersigned by the City Auditor who shall number and register the same in a book kept for that purpose All contracts shall be approved, as to form, by the City Attorney, and no contract made, save and excepting as hereinafter stated, the expense of the execution of which is not provided by law or ordinance, to be paid by assessment on the property benefited, shall be binding or of any force unless the City Auditor shall endorse thereon his certificate that there remains, unexpended and unapplied, a balance of the appropriation or fund applicable thereto, sufficient to pay the estimated expense of executing such contract. In the case of any contract entered into by the City for the purpose of the purchase of water from any governmental entity with the purchase price of such water being paid on an annual basis for the amount of water taken including possible costs to the governmental entity for construction and maintenance of facilities, such endorsement by the City Auditor shall not be required.

Charter Amendment No. 3. That the Charter of the City of Napa and more specifically Section 76.1 thereof in its entirety be amended by deleting the words or phrases "Personnel Board", "Board", "Personnel Officer" and "competitive service" wherever they appear in such section and replacing them with the words "Civil Service Commission", "Commission", "Personnel Director" and "classified service" respectively.

Charter Amendment No. 4. That Section 76.1 of the Charter of the City of Napa pertaining to Civil Service be amended by adding a paragraph between the third and fourth paragraphs of Part A thereof to read as follows:

A vacancy shall exist on the Civil Service Commission when the person elected or appointed thereto fails to qualify within ten days after said election or appointment; dies, resigns, ceases to be a resident of the City of Napa; absents himself continually therefrom for a period of more than 60 days without permission of the Civil Service Commission; fails to attend the meetings of the Civil Service Commission for a 60-day period or three consecutive meetings whichever period of time may be shorter without being excused therefrom by said Commission; is convicted of a felony; is judicially determined to be insane or an incompetent person; or forfeits his office under the provisions of this Charter. The Civil Service Commission shall declare when a vacancy exists hereunder. If said vacancy

shall not be filled within 30 days of the date on which a vacancy is declared to exist by the Commission, the remaining members of the Civil Service Commission shall forthwith appoint a qualified person to fill such vacancy.

Charter Amendment No. 5. That Section 76.1 of the Charter of the City of Napa pertaining to Civil Service and more specifically the first paragraph of Part C thereof be amended to read as follows:

C. Personnel Director. The Commission shall appoint a personnel director in possession of the minimum qualifications prescribed in the official class specifications other than the City Manager or his assistant 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 Commission shall determine. The salary of the Personnel Director shall be set by the City Council upon recommendation of the Commission. The Personnel Director may be removed from office by the Commission for cause, inefficiency or misconduct in the same manner and with the same safeguards as any other classified employee; provided, however, that the Personnel Director has the right to appeal to the City Council. The decision of the City Council shall be final and conclusive. The Personnel Director shall:

Charter Amendment No. 6. That Section 76.1 of the Charter of the City of Napa pertaining to Civil Service and more specifically Part D thereof be amended to read as follows:

D. Classified Service. The provisions of this section shall apply to all appointed officers and employees who are regular employees of the City of Napa, except the City Treasurer, City Clerk, City Manager and his assistant or assistants, City Attorney, City Assessor, City Collector, City Auditor, Public Works Director, Finance Director and Planning Director.

Charter Amendment No. 7. That Section 76.1 of the Charter of the City of Napa pertaining to Civil Service and more specifically Subsection (2) of Part F thereof be amended to read as follows:

(2) Each employment or promotional list shall last for at least six months from the date of its establishment but may not last for more than four years. Upon abolition of a list, each eligible person thereon shall be notified by letter addressed to his last known address

Charter Amendment No. 8. That Section 76.1 of the Charter of the City of Napa pertaining to Civil Service and more specifically Subsections (3), (4) and (5) of Part F thereof be amended to read as follows:

(3) In the absence of appropriate employment lists, a provisional appointment may be made by the appointing power of a person meeting the minimum qualifications for the position; provided, however, that an employment list shall be established for such position within 90 calendar days. No position shall be occupied under provisional appointment for

a total of more than 180 calendar days. In the event of an emergency, the appointing power may appoint such persons as are required to meet the situation, but such appointment shall not exceed 15 working days.

(4) No credit shall be allowed in the giving of any examination or the establishment of any employment or promotional lists for service rendered under provisional appointment, and time worked under provisional appointment shall not count towards completion of a probationary period.

(5) During the period of suspension of any employee, or pending final action on proceedings to review the suspension, demotion or dismissal of any employee, the vacancy created may be filled by the appointing power only by provisional appointment.

Charter Amendment No. 9. That Section 76.1 of the Charter of the City of Napa pertaining to Civil Service and more specifically the first paragraph of Part G thereof be amended to read as follows·

G. Probationary Period. All original and promotional appointments shall be for a probationary period of six months which period may be extended for an additional six months except for police and fire appointments which shall be for a period of one year, during which the employee may be rejected at any time. Such rejection shall not be subject to appeal.

Charter Amendment No. 10 That Section 76.1 of the Charter of the City of Napa pertaining to Civil Service and more specifically the second, third and fourth paragraphs of Part J thereof be amended to read as follows:

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 Personnel Director 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 a written appeal to such charges the Personnel Director shall refer the said charges to the Civil Service Commission for a hearing as provided for herein. Such accused officer or employee shall have the right to present his case orally and/or 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 Department not later than 20 days before any hearing. Hearings shall be commenced before the expiration of 30 days from the date such charges are referred to the Civil Service Commission by the Personnel Director.

Charter Amendment No. 11. That Section 76.1 of the Charter of the City of Napa pertaining to Civil Service and more specifically Part K thereof be amended to read as follows:

K. Abolition of Position. Whenever, in the judgment of the City Council, it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists the Civil Service Commission shall abolish any position in the classification plan. In laying off any employee or employees through the abolition of position the Civil Service Commission shall observe the seniority rule with due regard for efficiency. Furthermore, the Civil Service Commission shall endeavor to transfer any employee or employees holding any abolished position to another suitable position in the classified service to which he is qualified. The name of such employee or employees so laid off shall be placed at the top of the appropriate employment list or lists as provided by the rules. If the abolished position is renewed within two years of its being abolished, the City Manager shall rehire the employee or employees so laid off according to the seniority rule with due regard for efficiency.

Charter Amendment No. 12. That Section 76.1 of the Charter of the City of Napa pertaining to Civil Service and more specifically the first paragraph of Part E thereof and subsections (2) and (6) thereof be amended to read as follows:

E. Adoption of Rules. In addition to such other matters as may be necessary and proper to carry out the intent and purposes of this section, rules shall be formulated by the Civil Service Commission subject to approval by the City Council, establishing specific procedures to govern the following phases of the personnel program.

(2) The formulation of minimum standards and qualifications for each class of position, together with the salary to be attached to each position; provided, however, that said minimum standards and qualifications shall not require that all applicants for said classified service be residents of the City.

(6) The evaluation of employees

Charter Amendment No. 13. That Section 76 1 of the Charter of the City of Napa pertaining to Civil Service and more specifically Subsection (1) of Part F thereof be amended to read as follows:

(1) If appointment is to be made from employment or promotional lists, the names of persons willing to accept such appointments shall be certified by the Personnel Director in the order in which they appear on the lists, provided that eligibles on promotional lists for any particular class shall be certified before eligibles on open lists. Appointment shall be made from the three eligibles standing highest on the employment list or lists for the class whenever a position in

the classified service is to be filled, providing further that the number of names so certified shall not exceed by more than two the number of vacancies to be filled.

EXHIBIT B

Charter Amendment No. 2. That Section 75 of the Charter of the City of Napa be amended to read as follows:

Appointive officers.

Section 75. The appointive officers of the City of Napa shall be a City Treasurer, a City Manager, a City Clerk and a City Attorney appointed by a majority vote of the City Council to hold office at the pleasure of the City Council; and a City Assessor, a City Collector, a City Auditor, a Public Works Director, a Planning Director, a Finance Director, a Police Chief and a Fire Chief, all to be appointed by the City Manager. The Council may from time to time by ordinance designate other appointive officers. The appointive officers over whom the City Manager holds the power of appointment with the exception of the Fire Chief and the Police Chief may be removed by the City Manager at any time. Upon their qualification and appointment, each of the hereinbefore stated officers whose positions are full-time shall become and remain a resident of the City of Napa during the time he is an officer except as herein otherwise stated.

and

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 Napa 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 an amendment to, and as part of the Charter of the City of Napa.

CHAPTER 63

Senate Concurrent Resolution No. 28—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization and the State Personnel Board, and the Members of the Senate and Assembly.

[Filed with Secretary of State May 9, 1966.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That leaves of absence from the state for a longer period than 60 days during their terms of office are hereby granted to His Excellency Edmund G. Brown, Governor of the State of California; the Honorable Glenn M. Anderson, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Thomas C. Lynch, Attorney General; to Alan Cranston, Controller; to Bert A. Betts, Treasurer; to Max Rafferty, Superintendent of Public Instruction; to George R. Reilly, John W. Lynch, Paul Leake, and Richard Nevins, members of the Board of Equalization; to May Layne Bonnell, Ford A. Chatters, Robert S. Ash, Samuel Leask, Jr., and Joseph Wyatt, Jr., members of the State Personnel Board; and to the following Members of the Senate and the Assembly:

Senators John C. Begovich, Clark L. Bradley, Hugh M. Burns, Carl L. Christensen, Jr., James A. Cobey, Randolph Collier, Gordon Cologne, Richard J. Dolwig, Hugh P. Donnelly, Fred S. Farr, Luther E. Gibson, Donald L. Grunsky, John W. Holmdahl, Robert J. Lagomarsino, Paul J. Lunardi, Fred W. Marler, Jr., J. Eugene McAteer, John F. McCarthy, George Miller, Jr., Eugene G. Nisbet, Virgil O'Sullivan, Frank S. Petersen, Stan Pittman, Aaron W. Quick, Joseph A. Rattigan, Albert S. Rodda, John G. Schmitz, Jack Schrade, Harold T. Sedgwick, Alan Short, Walter W. Stiern, Vernon L. Sturgeon, William Symons, Jr., Stephen P. Teale, Howard Way, Alvin C. Weingand, Robert D. Williams; Assemblymen Don A. Allen, Sr., Alfred E. Alquist, Hale Ashcraft, Robert E. Badham, William T. Bagley, E. Richard Barnes, Carlos Bee, Anthony C. Beilenson, Frank P. Belotti, W. Craig Biddle, Carl A. Britschgi, Willie L. Brown, Jr., Clair W. Burgener, John L. Burton, Tom C. Carrell, Jack T. Casey, Charles Edward Chapel, Eugene A. Chappie, John L. E. Collier, Charles J. Conrad, Robert W. Crown, Lou A. Cusanovich, George E. Danielson, William E. Dannemeyer, Pauline L. Davis, C. George Deukmejian, Clayton A. Dills, Richard J. Donovan, Gordon W. Duffy, Mervyn M. Dymally, Edward E. Elliott, Jack R. Fenton, F. Douglas Ferrell, Houston I. Flournoy, John F. Foran, Charles B. Garrigus, Joe A. Gonsalves, Leroy F. Greene, Burt M. Henson, Stewart Hinckley, Harvey John-

son, Ray E. Johnson, Joseph M. Kennick, John T. Knox, Frank Lanterman, Milton Marks, Lester A. McMillan, Charles W. Meyers, George W. Milias, James R. Mills, Robert T. Monagan, Robert T. Moretti, Don Mulford, Alan G. Pattee, Nicholas C. Petris, Carley V. Porter, Walter W. Powers, John P. Quimby, W. Byron Rumford, Newton R. Russell, Leo J. Ryan, Winfield A. Shoemaker, Alfred H. Song, Philip L. Soto, William F. Stanton, Robert S. Stevens, Howard J. Thelin, Vincent Thomas, Jesse M. Unruh, John G. Veneman, Victor V. Veysey, Jerome R. Waldie, Charles Warren, James E. Whetmore, John C. Williamson, George A. Willson, Gordon H. Winton, Jr., Pearce Young, Edwin L. Z'berg, George N. Zenovich.

The leaves of absence granted by this resolution are also granted to the successors of any of the above-named officers during their terms of office as such successors.

CHAPTER 64

Senate Joint Resolution No. 14—Relative to the national forests.

[Filed with Secretary of State May 9, 1966]

WHEREAS, The State of California, in recent years suffered irreparable damage from forest fires to the natural resources upon which its future depends; and

WHEREAS, The United States Forest Service has plans for improvements in fire prevention and fire preparedness to meet the challenge of increasing use of our national forests; and

WHEREAS, The need for increased fire prevention and fire preparedness, improved access, and facilities for meeting the recreational needs of an expanding population is recognized in the Program for the National Forests which was presented to the 86th Congress of the United States, and is currently being considered by the present Congress; and

WHEREAS, It is clearly in the interest of all the people of the United States and of the State of California that forest fire losses and firefighting costs be reduced through improved management, prevention, and preparedness programs; 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 fully and promptly redeem the responsibility of the United States for the protection and management of the national forests in California as provided for in the Program for the National Forests which is now before the Congress of the United States; 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 Chairman of the Sub-Committee on Forests, House Committee on Agriculture, for introduction into the record of its hearing on April 15, 1966, to the Chairman of the Senate Committee on Interior and Insular Affairs, to the Chairman of the House Public Works Committee for introduction into the record of its hearing on April 19, 20, 21, 1966, on Forest Development Roads in the Federal Aid Highway bill, and to the Chairman of the Public Works Committee, United States Senate, for introduction into its hearing on the Forest Development Plan.

CHAPTER 65

Senate Joint Resolution No. 17—Relative to the federal "Water Supply Act of 1958."

[Filed with Secretary of State May 9, 1966]

WHEREAS, The federal "Water Supply Act of 1958" (P.L. 85-500, Title III, Section 301) provides, incident to the construction of federal reservoir projects, for the inclusion of storage of water for present or anticipated needs for municipal or industrial purposes; and

WHEREAS, It is highly desirable that such act be amended to also authorize the inclusion of such storage of water in federal reservoir projects for agricultural purposes, in order that full utilization may be made of federal multipurpose reservoir projects; 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 amend the "Water Supply Act of 1958" (P.L. 85-500, Title III, Section 301) to authorize the inclusion of storage of water in federal reservoir projects for present or anticipated needs for agricultural purposes, as well as municipal or industrial 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 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 66

Assembly Concurrent Resolution No. 53—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 April 26, 1966.

[Filed with Secretary of State May 10, 1966]

WHEREAS, The City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1901, and now is, organized, existing and acting under and by virtue of 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 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 resolutions of said Legislature as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of one amendment to the Charter of said 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, Boyd P. Welin, 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. 4753 adopted by said board on March 1, 1966, 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, to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 26th day of April, 1966. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4755, adopted on the 8th day of March, 1966, which said ordinance called said special election, for the submission of said amendment, to be held in said city on the 26th day of April, 1966. and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the Formation of the Pasadena Junior College District Election to be held on said date. That said election was duly and regularly called and held on said 26th day of April, 1966, which day was not less than forty, and not more than sixty days after the completion of the 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 26th day of April, 1966, 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 amendment 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 the provisions of the Charter of the City of Pasadena and with the law in such cases made and provided, the Board of Directors of the City of Pasadena met on May 2, 1966, at the time fixed by the Charter and at its usual place of meeting, and did duly and regularly canvass the returns of said election and on the 3rd day of May, 1966, the said Board of Directors 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:

That the Charter of the City of Pasadena be amended by amending Section 1 of Article 16 thereof to read as follows:

"Section 1. The control, management and administration of the public schools of the City of Pasadena 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 members respectively holding office numbers 1, 2, 3, 4, and 5. The three members of the Board of Education whose terms expired in 1965 shall be considered as holding office numbers 1, 3, and 5; the remaining offices shall be known as office numbers 2 and 4. The Board of Education 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. In the event that a new junior college district is formed, to include all the territory of the Pasadena City Junior College District, the control, management, and administration of the Pasadena City Junior College District shall be transferred to the governing board of the new junior college district on the date specified in Education Code Sections 1703 and 1704 and shall operate entirely under provisions of the Education Code rather than this Charter."

That we have compared the foregoing amendment with the original proposals proposed by said Ordinance No. 4753 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 3rd day of May, 1966.

(SEAL)

BOYD P. WELIN
Chairman of the Board of Directors
of the City of Pasadena
HARRIETT C. JENKINS
City Clerk

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 a part of the Charter of the City of Pasadena.

CHAPTER 67

Senate Joint Resolution No. 15—Relative to the Marysville Dam and Reservoir Project.

[Filed with Secretary of State May 11, 1966.]

WHEREAS, There is urgent need for flood control on the Yuba River, California, as evidenced by past flood damages and Corps of Engineers studies of future potential damage; and

WHEREAS, No flood control storage presently exists on Yuba River, and although the Bullards Bar Project, proposed by the Yuba County Water Agency, will provide substantial flood control benefits, it will only partially control the stream; and

WHEREAS, The proposed Marysville Dam and Reservoir Project in conjunction with the Bullards Bar Project will pro-

vide full flood control on Yuba River as well as water conservation, power, recreation, and fish and wildlife enhancement; and

WHEREAS, A report of the Corps of Engineers proposing construction of the Marysville Project is presently in Washington but has not yet been submitted to the Congress of the United States; now, therefore be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the President and the Congress of the United States are hereby respectfully requested to take the necessary steps to authorize construction and operation of the Marysville Dam and Reservoir Project by the United States and to appropriate funds for early completion of necessary fish and wildlife studies to be conducted cooperatively by the United States Fish and Wildlife Service and the California Department of Fish and Game to determine appropriate measures for maintaining the fish and wildlife resources affected by the proposed project, and subject to favorable findings of this study to thereafter take such steps and to lend such support as may be required to accomplish construction of this urgently needed project at the earliest practicable date; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Army, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 68

Senate Concurrent Resolution No. 14—Relative to junior college capital outlay.

[Filed with Secretary of State May 11, 1966]

WHEREAS, The Master Plan for Higher Education recommended that "a continuing program be devised and adopted by the Legislature that would distribute construction funds either through grants or loans or both, for capital outlay purposes annually to junior colleges as determined by growth, this program being for the purpose of assisting junior colleges to meet the facility needs of projected enrollments and of the students to be diverted to the junior colleges"; and

WHEREAS, A program of continuing state aid for junior college construction was enacted by the Legislature by the passage of Senate Bill 318 at the 1965 Regular Session (Chapter 1272 of the 1965 Statutes); and

WHEREAS, Experience shows that the provisions of Senate Bill 318 are not adequate to fulfill the purposes of the bill in

that the bill: (1) fails to coordinate the state and the federal programs of aid for junior college construction, (2) fails to coordinate the program of state aid for junior college construction with other state programs of aid to education, (3) contains a method of calculating district entitlement which is unrelated to the need for a particular construction project at a particular junior college district, which hinders the Legislature from making flexible judgments regarding the relative financial needs of the three segments of higher education, and which encourages administrative agencies to calculate junior college growth and the cost of junior college construction in a manner which underestimates the needs, (4) fails to allow sufficient time for state administrative agencies to review and to evaluate, for the benefit of the Legislature, junior college construction proposals, and (5) fails to combine into one junior college construction program previous legislation on this subject (i.e., the Junior College Tax Relief Act and the Junior College Facility Construction Law of 1963) money from which is still available to some junior college districts; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That no later than January 31, 1967, the Co-ordinating Council for Higher Education shall: (1) study the program of state aid for junior college construction assistance, (2) advise the Governor and the Legislature as to the purposes and objectives of this program, (3) recommend changes in the present program, and (4) prepare statutory proposals to carry out the recommendations; and be it further

Resolved, That in carrying out the directions specified in this resolution the Co-ordinating Council for Higher Education shall give consideration to the inadequacies of Senate Bill 318, by considering the following factors, and any other factors the council deems relevant: (1) the need for state administrative review of junior college projects and proposed financing before funding by the Legislature, (2) the utilization of existing and new facilities, (3) the need to develop construction allowances based upon actual project costs, (4) the need for long-range construction planning, (5) the need for equalization of district ability, (6) the assessment of relative district need, (7) the amount of student growth, (8) the existence of inadequate or obsolete facilities, (9) the coordination of the state junior college construction program with federal construction assistance programs and, insofar as possible, other state construction and support programs, and (10) the need to consider all capital outlay requirements, including site acquisition, site development, new construction, initial equipment, renovation, and project planning; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Director of the Co-ordinating Council for Higher Education.

CHAPTER 69

Senate Concurrent Resolution No. 25—Relative to the fiscal operations of the California State Colleges.

[Filed with Secretary of State May 11, 1966]

WHEREAS, The Master Plan for Higher Education envisaged that the Trustees of the California State Colleges would be granted that degree of fiscal authority and responsibility necessary to properly conduct the financial affairs of the California State Colleges; and

WHEREAS, The Joint Legislative Budget Committee has been provided with a report by the Trustees of the California State Colleges which demonstrates the need of the California State Colleges for recognition of fiscal authority and responsibility in an orderly manner to permit the trustees to fulfill their legitimate aspirations within the framework of the Donahoe Act and Senate Concurrent Resolution No. 16, Resolution Chapter 24, of the 1960 First Extraordinary Session; and

WHEREAS, The Joint Legislative Budget Committee, pursuant to Senate Concurrent Resolution No. 29, Resolution Chapter 142, 1965 Regular Session, has submitted a report prepared by the Legislative Analyst containing recommendations to ease the fiscal restrictions relating to the administration and operation of the California State Colleges; and

WHEREAS, The study of the Legislative Analyst found that action to delegate authority to the Trustees of the California State Colleges to administer fiscal and budgetary affairs of extension, summer session, and other self-support programs through the creation of a new revolving fund be deferred until the trustees have developed a fiscal and budgetary management plan consisting of policy and procedural guidelines and a reporting system designed to demonstrate responsibility and accountability; and

WHEREAS, The Coordinating Council for Higher Education in its Budget Report to the Legislature, 1964, recorded its position in support of the proposal to administer fiscal and budgetary affairs of extension, summer session and other self-support programs through a revolving fund account; and

WHEREAS, The Legislature is vitally interested in the development of an improved budget format and supporting documentation that might be useful for legislative evaluation of the proposed method of budgeting and administering the funds of such self-supporting programs of the California State Colleges; and

WHEREAS, The establishment of a revolving fund for the self-supporting programs in the California State Colleges requires the enactment of enabling legislation; and

WHEREAS, The Legislature believes that a need exists to coordinate the development of an improved budget format and revisions in the accounting systems and reporting procedures

which would clearly reflect an efficient system of procedures and policies to be followed in administering all self-support programs in the same manner; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Trustees of the California State Colleges shall submit to the Joint Legislative Budget Committee not later than December 1, 1966, a plan of financial management to support delegation of authority to the Trustees of the California State Colleges to administer fiscal and budgetary affairs of extension, summer session and other self-support programs through a revolving fund account; and be it further

Resolved, That the Trustees of the California State Colleges shall seek to effect appropriate coordination of the changes in budget format and revision in the accounting system proposed for such self-support programs in order that the Legislative Analyst may incorporate his findings and recommendations thereof in the Analysis of the Budget Bill for the 1967–68 fiscal year; and be it further

Resolved, That the Joint Legislative Budget Committee is requested to continue its study as directed under Senate Concurrent Resolution No. 29, Resolution Chapter 142, 1965 Regular Session, in order to assess the effect of actions taken at the current session of the Legislature and to consider any further action which may be recommended at a later date; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Trustees of the California State Colleges.

CHAPTER 70

Assembly Joint Resolution No. 24—Relative to mailed sample ballots.

[Filed with Secretary of State May 11, 1966.]

WHEREAS, The Post Office Department has recently ruled that mailed sample ballots that are prepared with the use of electronic (I.B.M.) equipment must be sent as first class mail; and

WHEREAS, The effect of this ruling on registrars of voters, county and city clerks, and other public officers who are authorized by law to mail sample ballots will be to almost double mailing costs to the taxpayers, since sample ballots not electronically prepared may be sent by cheaper third class mail; and

WHEREAS, These increased election costs to the public will necessitate additional budgetary augmentations by local governmental bodies, since their budgets have already been

adopted on the basis of lower mail rates for electronically prepared sample ballots; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Post Office Department to change its ruling with respect to registrars of voters, county and city clerks, and other public officers who are authorized by law to mail sample ballots, so that the rate for electronically prepared sample ballots for such officials will be no more than that for third class mail; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy 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 Lawrence F. O'Brien, Postmaster General.

CHAPTER 71

Assembly Concurrent Resolution No. 41—Approving amendments to the Charter of the City of San Leandro, a municipal corporation of the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the 12th day of April, 1966.

[Filed with Secretary of State May 11, 1966.]

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 San Leandro, a municipal corporation of the County of Alameda, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF MAYOR AND CITY CLERK
OF THE CITY OF SAN LEANDRO

State of California }
County of Alameda } ss.
City of San Leandro }

We, the undersigned, Jack D. Maltester, Mayor of the City of San Leandro, State of California, and Richard H. West, City Clerk of said City do hereby certify and declare as follows:

That the City of San Leandro is now and was at all times herein mentioned: (a) a City containing 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; (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 duly ratified by the qualified electors of said City at an election duly held for that purpose on the 20th day of September, 1949, and approved by the Legislature of the State of California, by Concurrent Resolution filed with the Secretary of State on the 16th day of December, 1949. (Senate Concurrent Resolution No. 2.)

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 San Leandro, being the legislative body thereof, by its Resolution No. 66-26, entitled "Resolution Providing for the Holding of a General Municipal Election for the Election of a Mayor, Four Councilmen, Three Members of the Board of Education, Proposing Four Amendments to the City Charter, on the Motion of the City Council, and Providing That Notice of Election Be Given," duly and regularly submitted to the qualified electors of said City certain proposals to amend the Charter of said City and to be voted on by the qualified electors at the general municipal election called and held for that purpose (among others) in said City on the 12th day of April, 1966.

That three certain proposals were designated and entitled as follows:

"Proposition No. 2

Shall Section 1109 of Article XI of the Charter of the City of San Leandro be amended to provide that the project cost beyond which a public works project must be contracted for and let to the lowest responsible bidder after notice shall be the amount of $2,500;—the text of which is set forth in Section 4 of Resolution No. 66-26 adopted by the City Council of the City of San Leandro on Monday, January 24, 1966, and now on file in the office of the City Clerk?"

"Proposition No. 3

Shall Article XII of the Charter of the City of San Leandro be amended in its entirety to provide for an increase in members of the Board of Education from five to seven and to reduce the residential requirements of said members to residence within the district at the time of nomination;—the text of which is set forth in Section 4 of Resolution No. 66-26 adopted by the City Council of the City of San Leandro on Monday, January 24, 1966, and now on file in the office of the City Clerk?"

"Proposition No. 4

Shall Section 1204 be added to Article XII of the Charter of the City of San Leandro to provide for the establishment of six Trustee Areas within the San Leandro School District,

to provide for the nomination of six members of the Board of Education from such Trustee Areas and the nomination of one member at large, and to provide that this Section shall become effective only if Proposition III set forth above is adopted by a majority vote of the electorate at the General Municipal Election of April 12, 1966;—the text of which is set forth in Section 4 of Resolution No. 66-26 adopted by the City Council of the City of San Leandro on Monday, January 24, 1966, and now on file in the office of the City Clerk?"

That pursuant to the aforesaid resolution of the City Council of the City of San Leandro the proposed charter amendments were published and advertised according to law.

That said General Municipal Election was duly and regularly held on the 12th day of April, 1966, in said City after due notice given and published.

That thereafter on the 14th day of April, 1966, the City Clerk of the City of San Leandro in the manner provided by law and in accordance with directions of the City Council of the City of San Leandro as set forth in Resolution No. 66-27, did regularly canvass the returns of said election and did thereafter forward the results of said canvass to the City Council.

That thereafter on the 19th day of April, 1966, the City Council of the City of San Leandro in the manner provided by law, did duly certify the results of the canvass of said returns of said municipal election by Resolution No. 66-87 adopted on the 19th day of April, 1966, and declared the results of said municipal election as determined from the canvass of the returns thereof; and by said Resolution did find, determine, and declare that each of the proposed amendments to the Charter of the City of San Leandro designated as Propositions No. 2, No. 3 and No. 4 was ratified by a majority of the qualified electors of the City voting separately thereon.

That said amendments to the Charter of the City of San Leandro so ratified by the electors of said City are in words and figures as follows, to wit:

That Section 1109 of Article XI be amended to read as follows:

"Section 1109: Contracts on Public Works. Every project for the construction or improvement of public buildings, works, drains, sewers, utilities, parks, playgrounds and streets (exclusive of projects for resurfacing, maintenance and repair of streets) shall be let by contract to the lowest responsible bidder, after notice, when the expenditure required for such project equals or exceeds the amount of Two Thousand Five Hundred Dollars ($2,500). Notice required herein shall be by publication in the official newspaper by one or more insertions, the first of which shall be at least seven days before the time for opening bids.

All bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate

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

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

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

That Article XII be amended in its entirety to read as follows:

"Article XII—Board of Education

"Section 1200: Number and Term. The Board of Education shall consist of seven members elected by the qualified electors of the San Leandro 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.

"Section 1201: First Board Under Amendment. The members of the Board of Education in office at the time this amendment take effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified.

The vacancies on the Board of Education caused by the increase in number of members from five to seven shall be filled by election by the qualified electors of the San Leandro School District at large at the first general municipal election held after this amendment takes effect, on the second Tuesday of April, 1968. Such additional members of said Board shall be elected for the full term of four years. Thereafter, at each general municipal election either three or four members of said

Board, as the case may be, shall be elected to fill the vacancies caused by the expiration of the terms of the members of said Board.

"Section 1202: Eligibility. No person shall be eligible to hold office as a member of the Board of Education unless he shall be a qualified elector of the territory comprising the School District at the time of his nomination.

"Section 1203: Vacancies. Except as hereinabove provided, a vacancy in the Board of Education from whatever cause arising shall be filled by appointment by the Board of Education, such appointee to hold office until the first Tuesday following the next general municipal election and until his successor is elected and qualified. Such appointee shall qualify as to eligibility under all provisions of this Article. 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.

In the event that four or more vacancies exist in said Board at one time, then the County Superintendent of Schools shall fill all vacancies therein by appointment, such appointees to hold office for the same length of time as if appointed by the Board of Education.

If a member of the Board of Education absents himself from three regular meetings of the Board, 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."

That Section 1204 of Article XII be added to the Charter to read as follows:

"Section 1204: Trustee Areas. The San Leandro School District shall be divided into six Trustee Areas, the boundary lines of which shall be fixed by Resolution of the Board of Education no sooner than twelve months and no later than six months prior to the general municipal election on the second Tuesday of April, 1968. Such districts shall be numbered consecutively from one through six, both inclusive. The Board of Education shall in the year 1974 and every six years thereafter, reapportion said Trustee Areas, but in no event shall more than six Trustee Areas be established. In any such reapportionment each Trustee Area shall be composed of contiguous territory and made as geographically compact as possible. Such Trustee Areas shall be made as equal as possible in registered voters as shown by the latest registration records. Boundaries of a Trustee Area shall, so far as practicable, follow precinct boundaries as delineated by The Board of Supervisors of Alameda County.

At the general municipal election to be held in April, 1968, and every four years thereafter at general municipal elections, four members of the Board of Education, one nominated from each of the odd-numbered Trustee Areas and one nom-

inated from the San Leandro School District at large, shall be elected by the voters of the San Leandro School District at large.

At the general municipal election to be held in April, 1970, and every four years thereafter, three members of the Board of Education, one nominated from each of the even-numbered Trustee Areas, shall be elected by the voters of the San Leandro School District at large.

Candidates for the office of member at large shall be nominated by a petition circulated in the San Leandro School District at large and candidates from the Trustee Areas shall be nominated by a petition circulated in the respective Trustee Areas of the San Leandro School District in which they may reside.

This Section shall take effect only if Article XII of this Charter is amended by the adoption at the General Municipal Election of April 12, 1966, by a majority vote of the electorate, of that proposition designated on the ballot of said election as Proposition III, relating to said Article."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of San Leandro 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 thereof.

That the proceedings hereinabove set forth were in compliance with the provisions of Section 8, Article XI of the Constitution of the State of California and the laws of the State of California applicable thereto.

That 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 City of San Leandro to be affixed hereto, this 19th day of April, 1966.

(SEAL)

JACK D. MALTESTER
Mayor of the City
of San Leandro
RICHARD H. WEST
City Clerk of the City
of San Leandro

and

WHEREAS, The proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of San Leandro as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of, the City of San Leandro.

CHAPTER 72

Senate Concurrent Resolution No. 8—Relative to the Co-ordinating Council for Higher Education.

[Filed with Secretary of State May 11, 1966.]

WHEREAS, The Master Plan for Higher Education and the Donahoe Higher Education Act direct the Co-ordinating Council for Higher Education to plan for the orderly growth and development of higher education in California; and

WHEREAS, The Co-ordinating Council for Higher Education is required by the Donahoe Higher Education Act to advise the Legislature on the need for, and location of, new campuses of the University of California and new state colleges; and

WHEREAS, The Co-ordinating Council for Higher Education is currently in the process of reviewing and preparing to report on the long range growth plans of the University of California and the California State Colleges; and

WHEREAS, Increasing public interest is being shown relative to the desirability of eliminating lower division programs at certain university and state college campuses; and

WHEREAS, The Legislature at its 1965 Regular Session (Stats. 1965, Res. Ch. 216) created the Joint Committee on Higher Education for the express purpose of studying the progress of recommendations which have been made under the master plan from the time of its adoption to the present, and to further study possible future additions to the master plan; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Co-ordinating Council for Higher Education, acting in cooperation with the Joint Committee on Higher Education, consider the desirability and feasibility of eliminating lower divison programs at selected campuses of the University of California and the California State Colleges; and be it further

Resolved, That in doing so, the Co-ordinating Council for Higher Education and the Joint Committee on Higher Education give particular attention, insofar as possible, to the quality and cost of lower division instruction at large graduate-oriented institutions and at smaller undergraduate-oriented institutions; and be it further

Resolved, That the Co-ordinating Council for Higher Education report its findings and recommendations on this subject to the Legislature no later than the fifth legislative day of the 1967 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Director of the Co-ordinating Council for Higher Education.

CHAPTER 73

Senate Concurrent Resolution No. 19—Relative to the location of State Highway Route 276 to the Mineral King sector of Sequoia National Forest.

[Filed with Secretary of State May 16, 1966]

WHEREAS, It is recognized that there is a present and ever-growing demand by the citizens of this state for adequate outdoor recreational facilities; and

WHEREAS, Walt Disney Productions, in cooperation with the U.S. Forest Service, has undertaken to construct, operate and maintain a winter and summer recreational facility in the Mineral King sector of the Sequoia National Forest; and

WHEREAS, It has been conservatively estimated that such development will add more than 600 million dollars to the economy of this state during the first ten years of operation; and

WHEREAS, It has also been recognized that the establishment of this year-round recreational facility is dependent upon the development of adequate access facilities; and

WHEREAS, The means of gaining access to this area is by way of State Highway Route 276 which was added to the State Highway System in 1965; and

WHEREAS, The Division of Highways of the Department of Public Works has not yet undertaken the studies which are a necessary prerequisite to the selection, adoption and determination of the precise location of such route by the California Highway Commission; and

WHEREAS, A major portion of the cost of such preliminary planning work may be made available by the federal government pursuant to the Public Works and Economic Development Act of 1965; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That upon receipt of notification of federal participation in such project, or at such other time as may be appropriate if no such participation is indicated, the California Highway Commission and the Division of Highways of the Department of Public Works are requested to undertake all steps necessary to bring about the prompt selec-

tion, adoption and determination of the location of State Highway Route 276; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the California Highway Commission, the Department of Public Works, and the Division of Highways.

CHAPTER 74

Senate Concurrent Resolution No. 6—Relative to the Joint Committee on Legislative Organization and the Constitution Revision Commission.

[Filed with Secretary of State May 16, 1966.]

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 Constitution Revision Commission was authorized in 1963 by Assembly Concurrent Resolution 77 and Assembly Concurrent Resolution 7, and had its existence continued in 1965 by Assembly Concurrent Resolution No. 130; and

WHEREAS, The Joint Committee on Legislative Organization, pursuant to the Assembly concurrent resolutions, appointed a Constitution Revision Commission, and such commission has been meeting regularly and has spent thousands of hours working toward a recommended revision of the Constitution; and

WHEREAS, Due to the lack of time, the Legislature will not be able to properly analyze and consider all the proposals of the Constitution Revision Commission; and thus, will not be able to receive all the benefits of the commission's endeavors; and

WHEREAS, The existence of the commission, unless extended, will terminate on October 1, 1966; now, therefore, be it

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

The Joint Committee on Legislative Organization is authorized to continue the existence of 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; and be it further

Resolved, That in addition to any money heretofore made available the sum of two hundred seventy-five thousand dollars ($275,000), 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 40) and its members and for any charges, expenses, or claims it may incur under under said statute and resolution and for the expenses of the Constitution Revision Commission and its members, to assist the committee in its revision of the California Constitution, to be paid from the said contingent funds equally and disbursed after certification by the chairman of the Joint Committee on Legislative Organization upon warrants drawn by the State Controller upon the State Treasurer.

CHAPTER 75

Assembly Joint Resolution No. 19—Relating to Russian fishing off California.

[Filed with Secretary of State May 18, 1966.]

WHEREAS, The economic value of California's rich and varied marine sport and commercial fishery resources exceeds

$300 million annually, thereby providing food, jobs, and recreation for California's citizens; and

WHEREAS, There is an ever increasing possibility that Russian vessels may soon be fishing the stocks of fish that historically support our fisheries, thereby depleting them beyond their capacity for replenishment as witness current Russian activities off the coasts of Alaska, Washington, and Oregon; and

WHEREAS, The existence of the Russian fleet, or any foreign fleet, in the waters adjacent to our coast constitutes a real and serious threat to the interests of all Americans and the fishery resource; and

WHEREAS, The unrestricted harvest of these resources could create severe and prolonged hardships to an important segment of California's economy; and

WHEREAS, The latent marine resources off our coast are a valuable asset for the future which our citizens are fully capable of developing and utilizing; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States, the United States State Department, and the United States Department of the Interior to take cognizance of these recent developments, and to take the necessary action to ensure adequate protection to the marine resources which are of such great significance to California, and to step up the program to monitor the activities of Soviet vessels off the Pacific Coast, and to keep this state fully informed of such activities; 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 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 Secretary of State of the United States, and to the Secretary of the Interior of the United States.

CHAPTER 76

Senate Concurrent Resolution No. 10—Relative to California Archives Month.

[Filed with Secretary of State May 23, 1966]

WHEREAS, Although the 48 delegates that assembled at the California Constitutional Convention in 1849 were born in different climes, came from different states, were imbued with local feelings, and were educated with predilections for peculiar laws and customs, they assembled at the convention as Californians and carried on their deliberations in a spirit of

amity, compromise, and mutual concession for the public weal; and

WHEREAS, The original Constitution of the State of California was signed at the Constitutional Convention on October 13, 1849, and was adopted by the people of the State of California on November 13, 1849; and

WHEREAS, The period of time between the signing by the convention delegates and adoption by the people of California, October 13 to November 13, 1849, was a period in California history filled with drama and noteworthy events; and

WHEREAS, The original documents which illuminate and record these important events in the history of the State of California are preserved in the State Archives; and

WHEREAS, These documents and many others which record the course of development of California from 1849 to the present day are open to examination and study; and

WHEREAS, It is important to good citizenship to be well informed of and familiar with the historical documents of our state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to proclaim October 13 as California Constitution Day and the period following through November 13, California Citizenship Day, as California Archives Month; and be it further

Resolved, That schoolchildren, scholars, teachers, and citizens of the State of California be invited and encouraged to visit the State Archives and to discover, learn and disseminate the priceless heritage of our Golden State; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to the Governor and the State Archivist.

CHAPTER 77

Assembly Concurrent Resolution No. 30—Relative to financing local public school operations in emergencies arising from the curtailment of the employment of foreign nationals in agriculture and the influx of domestic workers and families.

[Filed with Secretary of State May 25, 1966.]

WHEREAS, The Congress of the United States has determined that the admission of Mexican Nationals for performance of agricultural work in the United States under Public Law 78 of the 82nd Congress, as amended, shall be discontinued; and

WHEREAS, The admission of foreign nationals for the performance of agricultural work in the United States under the general immigration laws has been curtailed; and

WHEREAS, The recruitment and employment of domestic workers has created many problems for agricultural communi-

ties in California in that such workers are, in the majority of instances, accompanied by families for whom special housing and a multitude of governmental and social services must be provided; and

WHEREAS, The impact of this influx of families into agricultural communities creates especially heavy burdens upon the already overcrowded public schools, and entails major expenditures for capital expansion and instructional and other educational services without correlative increases in local fiscal resources for the school districts and other agencies maintaining the public schools; and

WHEREAS, The Legislature has provided state funds to be administered by the State Department of Education under Sections 17308 and 20105 of the Education Code, through the county school service fund contingency account, to assist school districts in meeting current expenses when confronted by emergency conditions; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Education undertake a study of the subject of the educational opportunities of children of migratory agricultural workers and the means for maximizing opportunities and providing continuity in education for such children, and, in that connection, compile statistics and data concerning factors important thereto; and to report to the Legislature, on or before the fifth legislative day of the 1969 Regular Session, on the results of such study, including in its report recommendations concerning necessary legislation

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CHAPTER 78

Assembly Concurrent Resolution No. 18—Relative to commending the draftsmen of the Division of Highways

[Filed with Secretary of State May 25, 1966.]

WHEREAS, The California Legislature has received many compliments on the clear and careful preparation of Assembly and Senate district maps for the coming elections; and

WHEREAS, These excellent maps represent the work of diligent draftsmen who have translated the legal lines of Chapter 3 (1965 Second Extraordinary Session) to the graphic lines added to base maps furnished with such clarity that they are readily followed by any citizen; and

WHEREAS, These fine draftsmen from the Department of Public Works, Division of Highways, have spent many overtime hours, responding to the urgent need for this electoral data; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Jack Smith (Department Head), Calvin Peterson, Paul J. Wulff, James Lee, Ben Fong,

James Benbrook, Henry Atiles, Keith Scoble, Donald Waltner, Roger Staver, George Knorr, Calvin Schiefferly, Dale Walker, Judy Chan, Robert Freer, Dow Crum, and Gus Panos be highly commended for their outstanding efforts; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit suitably prepared copies of this resolution to each person so commended.

CHAPTER 79

Assembly Concurrent Resolution No. 50—Relative to the study of water pollution in the San Francisco Bay-delta area.

[Filed with Secretary of State May 25, 1966.]

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 two thousand dollars ($2,000), 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 committee created by Chapter 1351 of the Statutes of 1965 to study water pollution in the San Francisco Bay-delta area, 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 80

Assembly Concurrent Resolution No. 59—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 12, 1966.

[Filed with Secretary of State May 25, 1966.]

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 said city, as follows, to wit:

State of California } ss.
County of San Diego }

We, the undersigned, Eleanor Anderson, 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 12, 1966.

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 24, 1966, March 12, 1966, and March 10, 1966.

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 and D, 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 III of the Charter of the City of Chula Vista to be and to read as follows:

ARTICLE III. CITY COUNCIL.

Section 300 Members and Terms.

There shall be a City Council of five members consisting of four Councilmen and a Mayor, elected from the City at large at the times and in the manner provided in this Charter and who shall serve for a term of four years and until their respective successors qualify.

The 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 qualify.

The term of each member of the City Council shall commence on the first Tuesday following his election and shall continue until his successor qualifies. Ties among candidates for any office shall be settled by the casting of lots.

Section 302. Compensation of Councilmen.

The Councilmen 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 out of the city. In addition, each Councilman shall receive the sum of fifty dollars per month, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon him in serving as a City Councilman.

Section 303. Vacancies.

A vacancy in the office of any member of 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 Councilman or Mayor shall be elected to serve for the remainder of any unexpired term of said office.

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, his office shall become vacant.

The City Council shall declare the evidence of any vacancy. In the event it shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy.

Section 304. Presiding Officer, Mayor.

(a) There shall be elected at the general municipal election commencing with the general municipal election in April, 1968, a Mayor who shall hold office for a term of four years and until his successor is elected and qualified. For the purpose of implementing this Section, the office of one of the Councilmen subject to election at said general election shall be terminated and cease to exist on the first Tuesday following the election of the Mayor, and there shall be one councilmanic office less than the number which may be subject to election at said general municipal election pursuant to the provisions of the Charter in effect on January 1, 1968.

(b) The Mayor shall be a member of the City Council and shall perform all the functions and have all of the powers and rights of a duly elected Councilman In addition to said powers and duties, the Mayor shall have the power and duty. (1) 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, and (2) to be the official head of the City for all ceremonial purposes and shall be recognized by the courts for the purpose of serving civil process, for the signing of all legal instruments and documents, and by the Governor for military purposes, and (3) in the time of public danger or emergency he may, with consent of the Council and for such period as the Council may fix, take command of the police, maintain order and enforce the law, and (4) 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 The Mayor may represent the City in any and all matters involving other governmental agencies, provided that no act, promise, commitment or agreement entered into or committed by the Mayor shall be binding upon the City of Chula Vista unless duly authorized or ratified by the City Council, and (5) to perform such other duties consistent with his office as may be

prescribed by this Charter or delegated to him or imposed on him by the City Council if not inconsistent with the provisions of this Charter.

(c) The Mayor shall receive an annual salary of SIX THOUSAND DOLLARS ($6,000.00) per year payable at the rate of FIVE HUNDRED DOLLARS ($500.00) per month and shall receive reimbursement on order of the Council for Council-authorized travel and other expenses when on official duty out of the City, and in addition, shall receive the sum of FIFTY DOLLARS ($50.00) per month, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures. The City Council may also provide, by resolution, for the payment to the Mayor of an allowance of a sum certain per month, to reimburse him for the additional demands and expenses made upon and incurred by him in serving as Mayor.

(d) 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.

PROPOSITION B.

Amend Article III of the Charter of the City of Chula Vista to be and to read as follows:

ARTICLE III. CITY COUNCIL.

Section 305. Powers Vested in the City Council.

All powers of the City, except as otherwise provided in this Charter, shall be vested in the City Council. No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to coerce the Chief Administrative Officer or other officer appointed or confirmed by the Council in the making of any appointment to, or removal from, any city office or employment, or the purchase of any supplies, or discuss directly or indirectly with any candidate for Chief Administrative Officer the matter of appointments to City offices or employment, or attempt to exact any promises from such candidate relative to any such appointments.

The Mayor and the Councilmen are hereby individually and collectively prohibited from performing any administrative or executive functions except as same may be authorized by this Charter or by ordinance of the City of Chula Vista. The Mayor and Councilmen are further prohibited from in any way or manner interferring with the functions or duties of the Chief Administrative Officer.

The Mayor and the Councilmen shall not issue any orders, directions or suggestions to any part of the administrative staff or officers for which the Chief Administrative Officer is

responsible except as same may be duly processed through the Chief Administrative Officer.

Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the Chief Administrative Officer is responsible solely through the Chief Administrative Officer and not through his subordinates.

A violation of the provisions of this section by any member of the Council shall constitute a misdemeanor for which the offending member may be removed from office by the Council or for which the offending member may be tried by any court of competent jurisdiction, and, if found guilty, the sentence imposed shall include removal from office.

PROPOSITION C.

Amend Article VI of the Charter of the City of Chula Vista to be and to read as follows:

ARTICLE VI. APPOINTIVE BOARDS AND COMMISSIONS.

Section 611. Civil Service Commission.

There shall be a Civil Service Commission consisting of five members to be appointed by the City Council from the qualified electors of the City, none of whom shall hold any salaried City office or employment, nor, while a member of the Commission or for a period of one year after he has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City, or to any City elective office.

The members of the Civil Service Commission shall be nominated and appointed in the following manner: Two members shall be appointed by the City Council from a list of four persons to be nominated by election of the employees in the Classified Service, two members shall be appointed by the City Council directly, and the fifth shall be appointed by the City Council from a list of three persons nominated by the four thus appointed. The successor of any member of the Commission shall be nominated and appointed in the same manner as such member was nominated and appointed.

The term of the members of the Civil Service Commission shall be four years. Members shall hold office until their respective successors are appointed, but vacancies shall be filled without undue delay, provided further, that the members of this Commission heretofore appointed and who were members thereof on the date of the approval of this amendment shall hold office until their current three year terms expire, except

that, in order to provide for the staggering of terms of said members, the term of office for that member appointed in 1963 shall be extended to 1967. The terms of members shall commence on the first day of July and as soon as practicable upon the appointment of three members after ratification of this amendment, the Civil Service Commission shall organize by electing one of its members to serve as chairman at the pleasure of the Commission. All proceedings of said Commission shall be open to the public and a majority vote of the entire membership of such Commission shall be necessary for it to take action.

PROPOSITION D.

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 Number and Term.

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 compensation for their services in such amount as may be provided by the Education Code of the State of California. Such payments as authorized by the Education Code shall be paid from the General Fund of the Chula Vista School District and shall commence upon the adoption by the Board of Education of the appropriate resolution or ordinance authorizing such payment from the General Fund of the District.

Section 1201 Terms of Members.

At each general municipal election, either two or three members of said Board, as the case may be, shall be elected to fill the vacancies caused by the expiration of terms. The term of each member of the Board of Education shall commence on the first Tuesday following his election, and shall continue until his successor is elected and qualified. Ties among candidates may be settled by the casting of lots.

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 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 the City of Chula Vista to be affixed hereto this 11th day of May, 1966.

(SEAL)

ELEANOR ANDERSON,
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, 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 City of Chula Vista.

CHAPTER 81

Assembly Joint Resolution No. 20—Relative to the Flight Production Test Facility.

[Filed with Secretary of State May 25, 1966.]

WHEREAS, Less than the full acreage of the Flight Production Test Facility at Palmdale, California, has been developed for use by the Department of Defense and additional large-scale development by the department appears unlikely; and

WHEREAS, There is an anticipated backlog of civilian aircraft orders from airlines which will amount to an excess of $7,000,000,000 over the next few years; and

WHEREAS, A contract for the construction of the supersonic transport soon will be let and will, over a 10-year period, account for an additional $10,000,000,000 in civilian airframe business; and

WHEREAS, There is a shortage of adequate airframe manufacturing space and related flight facilities in the western states; and

WHEREAS, The Palmdale facility is ideally situated to serve as a center of a major civilian aircraft manufacturing complex, due to its climate, its existing runways and related facilities, and its proximity to the Los Angeles labor market; and

WHEREAS, The transfer of the excess acreage of the Flight Production Test Facility to an appropriate agency of state government, such as the City or County of Los Angeles, or the City of Palmdale, for operation as a public airport would provide means of developing a large, new manufacturing complex which would provide thousands of jobs as well as another public airport to serve the expanding southern California area; 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 Department of Defense and the United States Air Force to take whatever action may be necessary to effect the transfer of excess land at the Flight Production Test Facility at Palmdale, California, to the City or County of Los Angeles or the City of Palmdale, accompanied by an agreement permitting the compatible joint use by the Defense Department and local agency of the runways and related facilities; 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 Department of Defense, the Secretary of the United States Air Force, each Senator and Representative from California in the Congress of the United States, the City and County of Los Angeles, and the City of Palmdale.

CHAPTER 82

Assembly Joint Resolution No. 21—Relative to development of the Los Angeles-Long Beach Harbors.

[Filed with Secretary of State May 25, 1966.]

WHEREAS, The Port of Los Angeles and the Port of Long Beach have been the leading West Coast ports for more than 40 years; and

WHEREAS, The people of the City of Los Angeles have a $120 million equity in the port and a present four-year development program is adding another $24 million in improvements to the port; and

WHEREAS, The Port of Long Beach has port facilities valued at $172 million, with a five-year development program adding another $50 million in improvements; and

WHEREAS, The Boards of Harbor Commissioners of the City of Los Angeles and the City of Long Beach each have adopted long-range port development programs and the objective for the future is to develop complete, operable and integrated port facilities capable of accommodating commerce and shipping activities for a good many years in the future; and

WHEREAS, The United States Corps of Engineers, at the request of the Port of Los Angeles and the Port of Long Beach,

initiated a Review of Reports two years ago—the main items for study being: area deepening of the harbor, the creation of new facilities and the conducting of hydraulic model studies of San Pedro Bay; and

WHEREAS, Modest appropriations by Congress have permitted a consideration of the overall project and the preparation of a schedule of work by the local district engineer's office; and

WHEREAS, In reviewing the budget for the federal year 1967 now before Congress, it appears that an increase in the requested appropriation for the Review of Reports to $300,000 could allow an advancement of one year in the completion date of the very necessary study; and

WHEREAS, The Port of Los Angeles and the Port of Long Beach greatly desire that the contemplated physical model of the harbors be constructed and retained locally, so that it will be available for future model studies as they become necessary in future harbor planning and in furtherance of this the Board of Harbor Commissioners of the City of Los Angeles has offered, if desired, to furnish land to accommodate the model; 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 of the United States, the Director of the Bureau of the Budget, and Congress to include in the budget for the federal fiscal year 1967 an appropriation of $300,000 to the Corps of Engineers to complete the Los Angeles-Long Beach Harbors Review of Reports at an accelerated rate to enable the early completion date of the review study; and be it further

Resolved, That the United States Corps of Engineers is respectfully requested to construct and retain the contemplated physical model of the Los Angeles-Long Beach Harbors in the Los Angeles-Long Beach Harbor area; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, each Senator and Representative from California in Congress, the Director of the Bureau of the Budget, and the United States Corps of Engineers.

CHAPTER 83

Assembly Concurrent Resolution No 56—Relative to the Joint Committee on Higher Education.

[Filed with Secretary of State May 26, 1966]

WHEREAS, The 1965 Legislature recognized the need for a thorough and long-range study of California's system of higher education; and

WHEREAS, The Joint Committee on Higher Education was thereby created by the Legislature through the adoption of Assembly Concurrent Resolution No. 156 (Resolutions Chapter 216, Statutes of 1965); and

WHEREAS, This joint legislative committee is authorized and directed to ascertain, study and analyze all the facts relative to the development of higher education in California under the master plan during the period 1960–1965; determine what reevaluation, if any, is necessary for master plan recommendations for the years 1965–75; explore the needs and requirements of higher education for the years 1975–80; and report thereon to the Legislature, including in its report recommendations for appropriate legislative change, if any, in the present law; and

WHEREAS, Such a study, being the first comprehensive review of the master plan since its inception, will have an important and long-range influence on the course of California higher education in the future; and

WHEREAS, Proper planning and the selection of a highly qualified staff for this study is of the utmost importance, has been commenced by the joint committee, but has yet to be completed; and

WHEREAS, In the interests of a thorough and objective study of higher education in this state it will be necessary to extend the authorization of the Joint Committee on Higher Education past the original reporting date of January, 1967, and therewith extend the committee's reporting date; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to all authority, rights and duties heretofore conferred on it, the Joint Committee on Higher Education is authorized to act during the 1967 Regular and 1968 Regular (Budget) Sessions of the Legislature, including any recesses therein, and after the final adjournment thereof, with authority to file its final report no later than the fifth legislative day of the 1969 Regular Session of the Legislature; and be it further

Resolved, That such moneys as have previously been made available for the expenses of the committee and its members shall continue to be available during the period of its extended existence provided by this resolution.

CHAPTER 84

Assembly Concurrent Resolution No. 46—Relative to an advisory committee to the Joint Legislative Retirement Committee.

[Filed with Secretary of State May 27, 1966.]

WHEREAS, The Legislature is deluged every year by scores of complex and technical bills relating to the various retirement systems to which the State of California contributes; and

WHEREAS, These bills involve the expenditure of millions of dollars of state funds; and

WHEREAS, The members of the various retirement systems should be assured the legislation passed for the various systems equitably benefits each one of them; and

WHEREAS, Although the final decision on each bill remains with the Legislature, disinterested technical advice is most needed; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That an advisory committee composed of individuals who have specialized knowledge of retirement and actuarial problems shall be appointed, after recommendations as to the membership of the advisory committee by the Joint Legislative Retirement Committee, with an equal number of members to be appointed by the Speaker of the Assembly and by the Rules Committee of the Senate, with no more than three members to be appointed from each house; and be it further

Resolved, That such advisory committee shall secure information and assist the Joint Legislative Retirement Committee at its pleasure in regard to all retirement legislation before the Legislature; and be it further

Resolved, That the Joint Legislative Retirement Committee shall be authorized to pay necessary expenses of the advisory committee members out of the moneys allocated to the Joint Legislative Retirement Committee from the Senate and Assembly Contingent Funds.

CHAPTER 85

Assembly Concurrent Resolution No. 54—Relative to a study of the State Teachers' Retirement System.

[Filed with Secretary of State May 27, 1966.]

WHEREAS, The State Teachers' Retirement System has a caseload of upward of 318,000 active members and it administers benefits to upward of 29,000 retired members amounting to nearly 100 million dollars annually; and

WHEREAS, The investigation of the Joint Legislative Retirement Committee, established pursuant to Chapter 1417,

Statutes of 1963, has disclosed that while improvements have been made in the system's administration as a result of previous recommendations of the committee, further administrative improvement is needed in regard to (1) the plan of organization and the management structure and (2) the obtaining of information from local districts and the maintenance of members' accounts; and

WHEREAS, The State Teachers' Retirement System has proposed to embark upon an extensive electronic data processing system changing over from annual reporting to monthly reporting by the local districts; and

WHEREAS, Such an extensive new system makes it imperative that the organizational plan and operations of the retirement system be subjected to a thorough management survey so that the converted system will function at the highest possible level of efficiency; and

WHEREAS, Although many procedures and requirements for data collection, recordkeeping, length of service computation, and benefit computation may be outdated and unnecessary, at the present time such procedures are required by law; and

WHEREAS, The magnitude of the task may require that the survey be conducted by a private organization if no state agency has sufficient time and personnel to undertake the survey without disrupting the services required by other state agencies; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Retirement Committee is directed to survey the management of the State Teachers' Retirement System in order to determine the steps necessary to provide better and more efficient services to its members and to improve its fiscal and administrative controls, and to report thereon to the Legislature not later than the fifth legislative day of the 1968 Regular Session of the Legislature; and be it further

Resolved, That such study shall include but not be limited to a review of the current statutory provisions governing the administration of the State Teachers' Retirement System, and such study shall also include the feasibility of the joint use of equipment and facilities with the State Employees' Retirement System or other state departments; and be it further

Resolved, That the Joint Legislative Retirement Committee shall contract with, subject to approval by the Joint Committee on Legislative Organization, and supervise the performance of, a private firm to conduct such a survey; and be it further

Resolved, That the sum of seventy-five thousand dollars ($75,000) or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and the Assembly for the expenses of the committee and its members and for any charges, expenses and 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 86

Assembly Concurrent Resolution No. 60—Approving certain amendment to the Charter of the City of Torrance, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at the general municipal election held therein on April 12, 1966.

[Filed with Secretary of State May 27, 1966.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of the amendment, hereinafter set forth, to the Charter of the City of Torrance, a municipal corporation, in the County of Los Angeles, State of California, and set out in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY THE ELECTORS OF THE CITY OF TORRANCE

State of California
County of Los Angeles } ss.
City of Torrance

We, the undersigned, Albert Isen, Mayor of the City of Torrance, California, and Vernon W. Coil, City Clerk of said city, do hereby certify and declare as follows:

That the City of Torrance, a municipal corporation in the County of Los Angeles, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said city, being the legislative body thereof, on its own motion, submitted to the qualified electors of said city certain proposals for the amendment of the Charter of said city at a general municipal election duly and regularly called and held in said city on the 12th day of April, 1966, said charter amendment being herein designated as Charter Amendment C.

That on the 13th day of February, 1966, said City Council caused said proposed charter amendment to be duly and regu-

larly published and advertised in each and every edition of said 13th day of February, 1966, of the Torrance Press Herald, the official newspaper of said city and a semi-weekly newspaper of general circulation printed, published and circulated in said city.

That said City Council caused copies of said proposed charter amendment to be printed in convenient pamphlet form and in type of not less than 10-point and caused copies thereof to be mailed to each of the qualified electors of said city.

That said City Council, until the day fixed for the election upon said proposed charter amendment, did advertise from time to time in said Torrance Press-Herald, a semi-weekly newspaper of general circulation printed, published and circulated in said city, a notice that copies thereof might be had upon application therefor; that copies of said proposed charter amendment could be had upon application therefor at the office of the City Clerk of said city up to and including the day fixed for said general municipal election.

That said general municipal election was duly and regularly held in said city on the date fixed by said City Council, to wit, April 12, 1966, which date was not less than forty (40) and more than sixty (60) days after completion of the advertising of said proposed charter amendment, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify Charter Amendment C, hereinafter specifically set forth.

That all proceedings in connection with the submission of said charter amendment to the electorate, and the election thereon, were taken in accordance with the provisions of Section 8 Article XI of the Constitution of the State of California.

That said amendment to the Charter of said city so ratified by the voters of said city are as follows, to wit:

Charter Amendment C

Section 6 is hereby added to Article XIX of the Charter of the City of Torrance to read in its entirety as follows:

"Sec. 6. Exposure of female breasts prohibited.

It shall be unlawful and a public nuisance to expose or procure, or to counsel or assist in the exposure within the City of Torrance of, the breast or breasts of any living human female for the purpose of public display, amusement, entertainment, or in connection with the sale or service of any commodity. For the purpose of this section, female breasts shall include the medial and lateral lower quadrants, or the nipple or areola, or any other portion of the lower half of the breasts. Each such display shall be considered a separate offense subject to separate criminal prosecution The adoption of this section shall not preclude the city council from adopting

more restrictive ordinances further regulating the aforesaid subject matter."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said city, and find and certify that it is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Torrance to be affixed hereto this 11th day of May 1966.

(SEAL)

ALBERT ISEN
Mayor of the City of Torrance, California
VERNON W. COIL
City Clerk of the City of Torrance, California

State of California
County of Los Angeles } ss
City of Torrance

This is to certify that the foregoing is a true and correct copy of the original document.

Dated: May 11 1966

VERNON W. COIL, City Clerk

and

WHEREAS, Said proposed charter amendment as ratified (being hereinabove set forth) has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendment to the Charter of the City of Torrance as proposed to, and adopted and ratified by, the qualified electors of said City of Torrance be and the same hereby is approved as a whole, without amendment or alteration, for and as amendment to and as part of the Charter of the City of Torrance,

CHAPTER 87

Assembly Joint Resolution No. 22—
Relative to state veterans' homes.

[Filed with Secretary of State June 1, 1966]

WHEREAS, Since 1897 California has operated the Veterans' Home of California for eligible wartime veterans who are physically disabled and financially incapable of caring for themselves; and

WHEREAS, The care of veterans is the joint responsibility of the state and federal government and the State of California maintains approximately 20 percent of the state veterans' home capacity in the United States; and

WHEREAS, The cost of supporting and caring for such veterans has increased and it is imperative that the federal government make available additional funds to state homes for the care of such veterans; 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 Congress of the United States to enact legislation that will make available additional funds to state homes for the care of such veterans; 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 Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 88

Assembly Concurrent Resolution No. 49—Relative to commending the California State Automobile Association and the Automobile Club of Southern California.

[Filed with Secretary of State June 1, 1966.]

WHEREAS, The California Legislature, and specifically the Assembly Elections and Reapportionment Committee, have recently received numerous commendations for their Assembly and Senate district maps; and

WHEREAS, These clear and detailed maps represent a vast improvement over past formats dating since 1921; and

WHEREAS, The base map material for this work was furnished as a public service by the Automobile Club of Southern California and the California State Automobile Association, thereby saving the taxpayers of California thousands of dollars and providing a superior product; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the

California State Automobile Association and the Automobile Club of Southern California for this act of civic responsibility; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit suitably prepared copies of this resolution to the officers of both organizations.

CHAPTER 89

Assembly Concurrent Resolution No. 52—Relative to California's Bicentennial Celebration in 1969.

[Filed with Secretary of State June 1, 1966]

WHEREAS, Captain Gaspar de Portola, assisted by Father Junípero Serra, established the first permanent settlement in California on July 16, 1769, in San Diego, after suffering many hardships; and

WHEREAS, From this early and precarious beginning, California has grown into the greatest state in the union, a record of achievement unsurpassed in the annals of man; and

WHEREAS, This milestone should be chronicled and emphasized so that everyone in the state will become aware of this significant event in our rich cultural and historical heritage; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature proclaim the year 1969 as California's Bicentennial Year, and declare their intent to give consideration in 1967 to: (1) the creation of a California Bicentennial Celebrations Commission for the purpose of celebrating the state's 200th anniversary in the most appropriate fashion; (2) the commemoration during 1969 and 1970 of the discovery of the Bay of San Francisco in 1769, the establishment of the second permanent settlement in the City of Monterey on June 3, 1770, and the founding of the first California missions in 1769 and 1770; and (3) the recognition of the magnificent and exquisite flowers and shrubbery which bless this great state; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to all cities and counties throughout the state, along with a request that they give consideration to commemorating in some significant manner the history-making establishment of California's first permanent settlement.

CHAPTER 90

Assembly Joint Resolution No. 23—Relative to the Internal Revenue Service's new policy regarding the auditing of private clubs' income from nonmembers.

[Filed with Secretary of State June 6, 1966]

WHEREAS, The Internal Revenue Service has announced that it will audit the accounts of 10,000 private clubs this year; and

WHEREAS, The purpose of the audit, according to Internal Revenue Service spokesmen, is to insure that certain nonprofit clubs remain virtually profitless and cater almost exclusively to their memberships; and

WHEREAS, Many private clubs are heavily dependent upon income from visitor green fees, service clubs, fraternal groups and others who use their facilities; and

WHEREAS, Enforcement of this new Internal Revenue Service policy will result in the doubling and trebling, in some instances, of membership dues; and

WHEREAS, Public recreation facilities are inadequate, overcrowded, and ill-prepared to cope with the increased patronage which would result through the enforced closing of private golf courses; 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 study the effect of this recent policy change regarding the auditing of private clubs' income from nonmembers by the Internal Revenue Service and respectfully urge the Internal Revenue Service to reconsider its implementation of this new policy; 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 Director of the Internal Revenue Service.

CHAPTER 91

Senate Concurrent Resolution No. 40—Relative to adjournment of the Legislature for recess and to reassembling the Legislature after said recess, fixing the date for said adjournment and said reassembling.

[Filed with Secretary of State June 13, 1966.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1966 First Extraordinary

Session of the Legislature of the State of California shall adjourn for a recess not later than 4 p.m. when it adjourns on June 1, 1966, and shall reassemble at 2 p.m. on June 13, 1966.

CHAPTER 92

Senate Joint Resolution No. 20—Relative to medical expenses uncompensated by insurance.

[Filed with Secretary of State June 13, 1966.]

WHEREAS, For purposes of determining a person's federal income tax, all medical expenses uncompensated by insurance cannot be deducted from gross income; and

WHEREAS, The present nondeductibility of all of such medical expenses imposes a serious hardship on all families beset by the quadruple misfortunes of poverty, medical bills, lack of insurance and federal taxes; and

WHEREAS, Medical expenses often are a crippling blow to the economy of all families and, in addition, to require income tax to be paid on money already spent for medical expenses can lead to great financial hardship on those least able to bear such a burden; 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 legislation to allow, for purposes of computing the federal income tax, a deduction from gross income for all medical expenses uncompensated by insurance including all doctor, dentist, hospital, prescription drug and medicine expenses; 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 93

Senate Concurrent Resolution No. 1—Relative to the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State June 15, 1966.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Rules of the Senate and Assembly for the 1966 Regular (Budget) Session be, and the same are hereby, adopted as the Joint Rules of the Senate and Assembly for the 1966 First Extraordinary Session.

CHAPTER 94

Senate Concurrent Resolution No. 17—Relative to delaying relinquishment of a portion of Interstate 80 leading to the State Capitol.

[Filed with Secretary of State June 15, 1966.]

WHEREAS, A portion of Interstate Highway 80 crosses the Sacramento River and leads to the Capitol of the State of California; and

WHEREAS, The Department of Public Works is now constructing a portion of Interstate Highway 80 on new alignment from West Sacramento across the Sacramento River via the new Pioneer Bridge in the vicinity of W and X Streets in the City of Sacramento; and

WHEREAS, Under usual procedures the existing highway would be relinquished to local agencies after the completion of the new facility; and

WHEREAS, It may be that the existing highway should be retained in the state highway system because of the overall state interest that exists in a highway leading directly to the Capitol; and

WHEREAS, The Legislature cannot act upon this matter during its session in 1966; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Highway Commission is requested to delay the relinquishment of that portion of the highway constituting the existing Interstate Highway 80 from its connection in West Sacramento with the new Interstate Highway 80 now under construction easterly to Ninth Street in the City of Sacramento until the last day of the 1967 Regular Session of the California Legislature; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the California Highway Commission and the Department of Public Works.

CHAPTER 95

Senate Concurrent Resolution No. 20—Relative to California waterways.

[Filed with Secretary of State June 15, 1966.]

WHEREAS, The Legislature is vitally concerned with the preservation and enhancement of, and continuing the beneficial habitat for fish, wildlife, recreation, and the natural environment of, the major rivers in California; and

WHEREAS, The President of the United States and the Governor of California have urged the nation and the state to

identify and preserve free-flowing stretches of our great rivers before growth and development destroy the beauty and related beneficial uses of the waterways; and

WHEREAS, It is presently the recreation policy of the State of California to provide a variety of recreational opportunities, to recognize the human values in their broadest range, and to increase recreational opportunities commensurate with the need occasioned by growth; and

WHEREAS, Many of California's major rivers, including, but not limited to, the American, the Sacramento, the San Joaquin, and the Feather, possess unique water conservation, fish, wildlife, outdoor recreation, and scenic values of present and potential benefit to the people of California; and

WHEREAS, Vast amounts of public funds are being appropriated for flood control, drainage, domestic and industrial water supplies, navigation, irrigation, hydroelectric power, and highway construction which may have detrimental effects on the fish and wildlife habitat, boating enjoyment, recreational and other uses of such watercourses, including production and sustained yield of fish and wildlife if appropriate consideration for such uses is not made a part of the planning for such projects; and

WHEREAS, There is a need for immediate action to foster interagency planning for the preservation and enhancement of the environment of the state's waterway resources under a program which will anticipate the needs to accomplish such objective; 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 hereby requests the Resources Agency to initiate such action as is necessary to secure the cooperation of all those federal, state and local agencies whose activities affect the environment of the waterways of California in developing recommendations for appropriate measures which will provide that planning by all such agencies shall include consideration for the preservation or enhancement of the fish and wildlife habitat, boating enjoyment, scenic and other recreational values of the waterways of California; and be it further

Resolved, That the Resources Agency is requested to propose to the Legislature not later than the fifth legislative day of the 1967 Regular Session a list of waterways of the state which should receive particular attention in the preservation of fish and wildlife habitat, boating and other recreational uses, including protection of the natural scenic values of such waterways and recommend standards and requirements which would protect such waterways for these purposes; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Governor of the State of California, to the Administrator of the Resources Agency, to the Secretaries of the Departments of the Interior and Agri-

culture of the United States, to the Chief of Engineers of the United States Corps of Engineers, to the President of the Reclamation Board of the State of California, to the Chairman of the California Water Commission, to the Chairman of the State Water Rights Board, to the Chairman of the State Lands Commission, and to the Chairman of the California Highway Commission.

CHAPTER 96

Senate Concurrent Resolution No. 26—Relative to expenses of the Joint Interim Committee on Uniform Laws.

[Filed with Secretary of State June 15, 1966.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the sum of two thousand seven hundred dollars ($2,700) 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 97

Assembly Concurrent Resolution No. 58—Relative to cost allocations on the State Water Project.

[Filed with Secretary of State June 15, 1966.]

WHEREAS, The Legislature has enacted Assembly Bill No. 12 (Chapter 27, 1966 First Extraordinary Session) which annually provides five million dollars to the Department of Water Resources for certain nonreimbursable purposes of the State Water Project to be available whenever the Legislature approves any cost allocation submitted to it by the Department of Water Resources; and

WHEREAS, The preparation and review of cost allocations is a complex matter requiring continuing association with the work and considerable background experience; and

WHEREAS, The sums of money involved in these cost allocations may total one hundred forty million dollars over a period of several years; and

WHEREAS, The Legislature will need fiscal advice and assistance in evaluating the proposed cost allocations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Analyst is hereby requested to review and evaluate the cost allocations on the State Water Project and report the results of this review with appropriate recommendations to the Assembly and the Senate whenever legislative approval of a cost allocation is sought by the Department of Water Resources; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Director of Water Resources and the Legislative Analyst.

CHAPTER 98

Assembly Concurrent Resolution No. 66—Approving the Charter amendments to the Charter of the City of Albany, State of California, ratified by the qualified electors of said city at the general municipal election therein on the 12th day of April, 1966.

[Filed with Secretary of State June 15, 1966.]

WHEREAS, The City of Albany, County of Alameda, State of California, contains a population in excess of 3,500 inhabitants, and has been ever since the year 1927 and now is, organized and acting under a charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at the special municipal election held for that purpose on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Albany, as set out in the certificate of the Mayor and City Clerk of said City of Albany, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT THE GENERAL MUNICIPAL ELECTION HELD ON THE 12TH DAY OF APRIL, ONE THOUSAND NINE HUNDRED AND SIXTY SIX, OF CERTAIN AMENDMENTS TO THE CHARTER OF ALBANY, STATE OF CALIFORNIA.

State of California }
County of Alameda } ss.
City of Albany }

We, Richard O. Clark, Mayor of the City of Albany, and Myrtle J. McLean, City Clerk of the City of Albany, do hereby certify as follows:

That said City of Albany, in the County of Alameda, 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 said City of Albany 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 the Special Municipal Election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312), and by Resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (Statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Legislative Body of said 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, duly propose to the electors of said City of Albany certain amendments to the Charter of said city; and ordered that said amendments be submitted to said electors of said city at the General Municipal Election to be held in said city on the 12th day of April, 1966; and

That said proposed amendments were, on the 23rd day of February, 1966, duly published in the "Albany Times", a newspaper of general circulation, published in the City of Albany, and the official newspaper designated by said City Council for that purpose and in each edition thereof;

That said City Council did, by Resolution designated as Resolution No. 66–19, which was duly adopted on the 28th day of February, 1966, call for and give notice of the General Municipal Election in the City of Albany on the 12th day of April, 1966, which date was more than 40 days and less than 60 days after the completion of the publication of the said proposed amendment to the Charter of the City of Albany, as aforesaid; and

That said General Municipal Election was held in said city on said 12th day of April, 1966, which date was more than 40 days and less than 60 days after said proposed amendment to said Charter had been published in said "Albany Times", as aforesaid; and

That at said General Municipal Election held as aforesaid, on said 12th day of April, 1966, a majority of the voters voted in favor of the three (3) proposed amendments, as hereinafter

set forth, to the Charter of the City of Albany and duly ratified same; and

That the City Council of the City of Albany, after duly canvassing the returns of said General Municipal Election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voted thereon, and voted in favor of and ratified said proposed amendments to the Charter of the City of Albany, which amendments are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT No. 1

That sub-section (a) be added to Section 39 of the Charter of the City of Albany to read as follows:

"Section 39(a). The Council may, by ordinance, consent to, or provide by contract, or in any other manner, for the transfer to the County of Alameda of any or all of the tax assessing and tax collection functions and services provided for by charters or ordinances of the City of Albany, or by State law, rule or regulation, and for the assumption, enforcement, observance, and performance thereof by Alameda County officers and employees, including, but not limited to (a) the assessment of City property for City taxes; (b) the equilization and correction of assessments; (c) the collection, payment, and enforcement of taxes and special assessments, including delinquent taxes; (d) the redemption of property from sale or other penalties for non-payment of City taxes or special assessments; and (e) that the tax bill shall include a break-down of funds of the tax rate of the City of Albany printed thereon, or printed on an insert attached thereto. Any and all powers, duties and functions of the City so transferred to the County pursuant to this Section, shall, to the extent of their assumption, performance, observance and enforcement by the County, be deemed or suspended and not a duty of the City for the duration of such transfer. The City has, and the Council shall reserve, in any agreement with the County, the right to terminate any transfer made pursuant to this Section and to reassume any or all of the transferred functions. This Section shall be paramount to any Charter provision in conflict therewith.

PROPOSED CHARTER AMENDMENT No. 2

That Section 50, paragraph (L) and Section 37 of the Charter of the City of Albany be amended in the following particulars: That Section 50 (L) be amended by deleting the words "and out of the general fund of the City of Albany" therefrom, and that Section 37 shall be amended by adding the words "exclusive of such tax as may be necessary to pay the City's cost of any pension plan for City employees", fol-

lowing the words "the amount of annual tax levy" in said Section.

PROPOSED CHARTER AMENDMENT No. 3

That Section 49, paragraph (o) of the Charter of the City of Albany be amended by deleting the words "not more than seven (7) road miles from the intersection of San Pablo and Solano Avenues", and inserting in lieu thereof, the following: "not more than fifteen (15) air miles from the intersection of San Pablo and Marin Avenues".

The foregoing is a full, true and correct copy of said proposed Amendments to the Charter of the City of Albany, ratified by the electors of said city as aforesaid, on file in the Office of the City Clerk of the said City of Albany.

In witness whereof, Richard O. Clark, Mayor as aforesaid, and Myrtle J. McLean, City Clerk, as aforesaid, have hereunto set their hands and caused the Seal of the City of Albany to be thereunto duly affixed, on this 24 day of May, 1966.

(SEAL)

RICHARD O. CLARK
Mayor of the City of Albany
MYRTLE J. McLEAN
City Clerk of the City of Albany

Prepared and approved by:
LAURENCE D. SALER
City Attorney, City of Albany

WHEREAS, Said proposed amendments so 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 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 Albany as submitted to, and adopted and ratified by the qualified 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 part of the Charter of the said City of Albany.

CHAPTER 99

Senate Concurrent Resolution No. 31—Relative to the continuation of a study of "stub" routes on the state highway system.

[Filed with Secretary of State June 16, 1966.]

WHEREAS, In 1965 the Legislature enacted Senate Concurrent Resolution No. 37 relating to state highway routes which do not terminate at another state highway; and

WHEREAS, The resolution requested the Department of Public Works to study this class of highways, which highways are commonly referred to as "stub" routes; and

WHEREAS, The department proceeded to make such study and reported thereon to the Legislature March 10, 1966; and

WHEREAS, The study concluded, among other things, that the matter of stub routes should be reviewed further and that an advisory committee, acting in cooperation with the department and local agencies, should be included in the reviewing process; and

WHEREAS, This can be done within the organization established for studies made pursuant to Sections 256 and 2156 of the Streets and Highways Code, which sections provide for periodic studies of the entire systems of state highways, city streets, and county roads; 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 continue the study of stub routes on the state highway system and to include this work in its studies made pursuant to Section 256 of the Streets and Highways Code; and be it further

Resolved, That the advisory committee established pursuant to Section 2156 of said code be requested to also act as the advisory committee in the study of stub routes; and be it further

Resolved, That the department is requested to report to the Legislature, prior to the fifth legislative day of the 1968 Regular Session of the Legislature, its recommendation on the criteria to be used for the addition or deletion of stub routes on the state highway system, including those which terminate at a state facility; and be it further

Resolved, That the department is directed to transmit a copy of its report to any appropriate joint interim committee which the Legislature may establish with authority to study the subject, and if no such committee exists, the department is directed to transmit a copy of its report to the Senate Committee on Rules and to the Assembly Committee on Rules for assignment to any appropriate interim committee of each house for study; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Department of Public Works.

CHAPTER 100

Senate Concurrent Resolution No. 29—Relative to Sugarloaf Ridge State Park.

[Filed with Secretary of State June 20, 1966.]

WHEREAS, The late Senator Samuel R. Geddes was a Member of the Legislature for 13 years, representing Napa and Solano Counties in the Assembly from 1952 to 1960 and Napa and Yolo Counties in the Senate from 1960 until his untimely death in 1965; and

WHEREAS, He was instrumental in the establishment of the present Sugarloaf Ridge State Park in Napa and Sonoma Counties; and

WHEREAS, It is befitting that this park should bear the name of this outstanding legislator; and

WHEREAS, It is the prerogative of the Director of Parks and Recreation, upon recommendation by the State Park Commission, to bestow a permanent name upon a state park; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it is the sense of this Legislature that the present Sugarloaf Ridge State Park should be officially designated and named "Senator Samuel R. Geddes State Park"; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the Director of Parks and Recreation and to the Chairman and Members of the State Park Commission.

CHAPTER 101

Assembly Concurrent Resolution No. 44—Relative to a study of the inclusion of Federal Forest Highway 100 in the state highway system.

[Filed with Secretary of State June 21, 1966.]

WHEREAS, The future welfare of the people and the economic growth of the great San Joaquin Valley would be enhanced by an all-year commercial trans-Sierra highway crossing to the east; and

WHEREAS, The federal government has established by the land classifications of the Sierra National Forest a wilderness corridor for this purpose; and

WHEREAS, The Bureau of Public Roads has determined that a trans-Sierra highway is feasible and has authorized its construction as Forest Highway 100 on a route via Minarets-Summit; and

WHEREAS, The Minarets-Summit Highway, while recognized as a vital commercial artery to the central California area,

will also provide a loop tourist circuit within a 250-mile radius of the mass urban areas of Los Angeles and San Francisco providing unparalleled recreational, aesthetic, and scenic values to the majority of the people of the State of California; and

WHEREAS, Equity requires that the county of origin, having already provided a major share of its available funds to this purpose, should not be burdened with the sole responsibility of maintenance and snow removal, the cost of which would be substantial; and

WHEREAS, The inclusion of the route of Forest Highway 100 between State Highway Route 41 and State Highway Route 395 in the state highway system would allow direct participation of the people of the State of California to assist, in cooperation with the Bureau of Public Roads, to achieve the construction and future maintenance of this important all-year highway; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Public Works is requested to conduct a study of the feasibility of including Federal Forest Highway 100 in the state highway system and to report to the Legislature its findings on or before the fifth legislative day of the 1967 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Director of Public Works.

CHAPTER 102

Assembly Concurrent Resolution No. 62—Relative to the 1966 Governors' Conference.

[Filed with Secretary of State June 21, 1966.]

WHEREAS, The Members of the Legislature have been pleased to learn that the State of California has been selected to be the host state for the 1966 National Governors' Conference; and

WHEREAS, The conference, which will be held at the beautiful new Century Plaza Hotel in Los Angeles, July 4 through July 7, will bring together the governors of all 50 states of the union, and the governors of American Samoa, Guam, the Virgin Islands and the Commonwealth of Puerto Rico; and

WHEREAS, As an institution of high national stature, the conference has now served the states and the nation for 58 years and provides an excellent forum for discussions of mutual problems and interstate programs which has contributed to better government and public service throughout the United States; and

WHEREAS, Governor Edmund G. Brown, who will be the host Governor at this, the 58th annual meeting, has appointed a distinguished group of California's leaders in business and industry to serve as the State of California Host Committee for the purposes of handling all of the arrangements for the conference; and

WHEREAS, This is the first time in more than 30 years that the National Governors' Conference has been held in California and the Legislature is most anxious to assure a display of hospitality worthy of the tradition of this great State of California; and

WHEREAS, Also in attendance at this conference will be prominent dignitaries and officials of federal, state and local governments, representatives of the various news media and more than one thousand other guests from outside California; and

WHEREAS, The people of this state are delighted that California has been selected to host this important gathering; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature in behalf of the people of California extend to the distinguished delegates of the 1966 National Governors' Conference a cordial welcome to California, and express the hope that their stay in this state will be a happy and enjoyable occasion; and be it further

Resolved, That the Legislature of the State of California commends the governors of all 50 states and four United States possessions for their significant contribution in strengthening intergovernmental relations throughout the nation and proclaims July 4 through July 7 as National Governors' Week; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit suitably prepared copies of this resolution to Governor Brown and the governors of the other 49 states and four United States possessions, and to Mr. Howard Edgerton, general chairman, and members of the State of California Host Committee.

CHAPTER 103

Assembly Concurrent Resolution No. 63—Relative to position of Legislative Historian.

[Filed with Secretary of State June 21, 1966]

WHEREAS, Don A. Allen, Sr., has labored in the vineyards of California history, especially history pertaining to the California Legislature beginning in 1941; and

WHEREAS, He has haunted the archives since being first introduced to them by the former Archivist, Bart Greer; and

WHEREAS, Down through the years Don A. Allen, Sr., has furnished at his own expense mimeographed memoranda which have proven to be of extreme value, both educational and instructive, to all members of both houses; and

WHEREAS, He was persuaded to include much of this material in the Legislative Source Book which has been published and is acknowledged by many scholars as the greatest bibliography to have ever been contained in a document of this kind; and

WHEREAS, Don A. Allen, Sr., has waived all rights, royalties or copyrights and has made this a labor of love to the State of California; and

WHEREAS, The Members of the Legislature are deeply grateful to Don A. Allen, Sr., for his outstanding contributions and selfless service to the Legislature and to the people of the entire State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the position of Legislative Historian is hereby created, to be held without compensation or state expense, and is hereby conferred upon Don A. Allen, Sr., for so long as he shall live.

CHAPTER 104

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Article XXVIII thereto, relating to open space conservation.

[Filed with Secretary of State June 23, 1966.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1966 First Extraordinary Session commencing on the 10th day of February, 1966, 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 Article XXVIII thereto, to read:

ARTICLE XXVIII

OPEN SPACE CONSERVATION

SECTION 1. The people hereby declare that it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence open space lands for the production of food and fiber and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The people further declare that assessment practices must be so designed

as to permit the continued availability of open space lands for these purposes, and it is the intent of this article to so provide.

SEC. 2. Notwithstanding any other provision of this constitution, the Legislature may by law define open space lands and provide that when such lands are subject to enforceable restriction, as specified by the Legislature, to the use thereof solely for recreation, for the enjoyment of scenic beauty, for the use of natural resources, or for production of food or fiber, such lands shall be valued for assessment purposes on such basis as the Legislature shall determine to be consistent with such restriction and use. All assessors shall assess such open space lands on the basis only of such restriction and use, and in the assessment thereof shall consider no factors other than those specified by the Legislature under the authorization of this section.

CHAPTER 105

Assembly Concurrent Resolution No. 57—Relative to planning of proposed state park at Point Mugu in Ventura County.

[Filed with Secretary of State June 23, 1966.]

WHEREAS, In 1965, the Legislature authorized the establishment of a state park at Point Mugu, Ventura County; and

WHEREAS, Plans are being formulated for acquisition and development of the state park site, including a public entrance on the southern coastal boundary of the proposed park; and

WHEREAS, The Ventura County Planning Commission has recommended an additional entrance on the northern interior boundary of the proposed park through the Potrero Valley—Reino Road route to Big Sycamore Canyon; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby direct the Resources Agency and the Department of Parks and Recreation to study the feasibility of a northern interior entrance to the state park proposed at Point Mugu, in addition to the southern coastal entrance; and be it further

Resolved, that the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Administrator of the Resources Agency and to the Director of Parks and Recreation.

CHAPTER 106

Senate Concurrent Resolution No. 21—Relative to the Joint Committee on Tidelands.

[Filed with Secretary of State June 23, 1966.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Tidelands, created by Senate Concurrent Resolution No. 27 (Res. Ch. 31), 1965 Regular Session, shall, in addition to those activities authorized by such resolution, study the ownership of state lands which have a potential geothermal resource value, including, but not limited to, the extent, use, and disposition to be made of such lands, and shall recommend to the Legislature a state policy thereon; and be it further

Resolved, That in addition to any money heretofore made available, 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 Senate and Assembly for the expenses of the Joint Committee on Tidelands and its members and for any charges, expenses, or claims it may incur under Senate Concurrent Resolution No. 27 and 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; and be it further

Resolved, That, notwithstanding any limitations contained in Senate Concurrent Resolution No. 27, the committee may continue in existence and is authorized to act through June 30, 1967.

CHAPTER 107

Assembly Concurrent Resolution No. 67—Approving certain amendments 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 seventh day of June, 1966.

[Filed with Secretary of State June 23, 1966.]

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 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 AMENDMENTS 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 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 13th day of April, 1965, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 4th day of May, 1965 (Assembly Concurrent Resolution No. 104, Chapter 76, Statutes of 1965).

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 certain proposals 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 seventh day of June, 1966, all as required by law, which said proposals were designated as "Charter Amendment—Proposition A", "Charter Amendment—Proposition B", "Charter Amendment—Proposition C" and "Charter Amendment—Proposition D", respectively.

That said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, on the twenty-sixth day of April, 1966, 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 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 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-sixth day of April, 1966, and on each day thereafter to and including the seventh day of June, 1966, 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 on and after the twenty-sixth day of April, 1966, to and including the seventh day of June, 1966, the date fixed for said election.

That said proposed charter amendments were 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 seventh day of June, 1966, 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 amendments 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 March 28, 1966, a Resolution No. 29022 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 primary election held in said county on June 7, 1966; 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 primary election held in said county on said date.

That at said special municipal election a majority of the qualified electors voting upon each of said proposed charter amendments voted in favor of each of them and adopted and ratified the same.

That said amendments to the Charter of the City of San Jose, so adopted and ratified by the qualified electors of said City, amends said Charter as follows:

(a) CHARTER AMENDMENT — PROPOSITION A amends Section 1600 of the Charter of the City of San Jose to read as follows:

"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 first Tuesday after the first Monday of June immediately following such primary election for the purpose of filling such office. The two persons who polled the greatest number 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 June election. All ties in either election shall be decided by lot, during open meeting of the Council, under the direction of the Council."

(b) CHARTER AMENDMENT — PROPOSITION B amends Section 800 of the Charter of the City of San Jose to read as follows:

"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 subsection (c) of this Section, the Council may:

(1) Contract with any 'public agency' for the exercise or performance by any 'public agency' for or on behalf of the City, of any of the powers, duties or functions of any office, department or agency of the City established by or pursuant to the provisions of this article;

(2) Contract with any 'public agency' for the exercise or performance by the City, for or on behalf of any 'public agency' of any of the powers, duties or functions of any 'public agency';

(3) Contract with any 'public agency' for the joint exercise or performance by such 'public agency' and the City, for or on behalf of any 'public agency' and/or the City, of any of the powers, duties or functions of any office, department or agency of the City established by or pursuant to the pro-

visions of this article and/or of any of the powers, duties or functions of any 'public agency';

(4) Contract with any 'private agency' for the exercise or performance by a 'private agency' or jointly by a 'private agency' and the City, for or on behalf of the City, of any of the powers, duties or functions of any office, department or agency established by or pursuant to the provisions of this article;

(5) Contract with any 'public agency' for the purchase or acquisition by a 'public agency' by the City, or jointly by both, for or on behalf of the City, a 'public agency' or both, of any real or personal property, or for the construction or making by a 'public agency', by the City, or jointly by both, for or on behalf of the City, a 'public agency' or both, of any public works project or public improvement.

"Each such contract, excepting contracts for specific improvements or projects, and also excepting contracts for specific studies or reports to be completed within five years, shall be terminable by the City at any time following the expiration of one (1) year from and after the date of such contract or at any time following the expiration of such shorter period of time as may be specified in the contract.

"In case of and during the term of any such contract, any provisions of this Charter, or of any ordinance, resolution or other City regulation, providing for the exercise or performance of said powers, duties or functions by a City office, department or agency established by or pursuant to the provisions of this article, or specifying a procedure for or otherwise controlling or regulating the manner in which such powers, duties or functions may be exercised or performed by any City office, department or agency established by or pursuant to this article, shall be deemed suspended to the extent that they are inconsistent with the performance or exercise by a 'public agency' or 'private agency' of any of such powers, duties or functions pursuant to or as provided by such contract. Also, the provisions of Section 1217 of this Charter, and of any City ordinance, resolution or other regulation relating to the matters mentioned in said Section 1217, shall not apply to any acquisitions or purchases of property, nor to any public works projects or improvements, made, constructed or done by a 'public agency' for or on behalf of the City pursuant to any contract above mentioned in sub-paragraph (5) of this sub-section (b), provided that the 'public agency', in doing such things for or on behalf of the City, complies with such procedural requirements as would be applicable to it if it were to do such things for or on behalf of itself

"As used in this sub-paragraph (b), 'public agency' means the United States of America, the State of California, any division, department, office, agency or political or administrative 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 (b), 'private agency' means any private corporation, firm, association, organization or person.

"(c) Anything hereinabove in this section to the contrary notwithstanding, unless authorized by other sections of this Charter, no power, duty or function assigned by this Charter to the office of City Clerk, City Attorney or City Auditor, or to the Finance Department, shall be discontinued or assigned or transferred to any other office, department or agency of the City nor to any 'public agency' or 'private agency' as said terms are hereinabove defined; excepting, however, that the Council may provide for the furnishing or performance of special services by another office, department or agency or by a 'public agency' or 'private agency' to assist the office of City Clerk, City Attorney or City Auditor or the Department of Finance in the exercise or performance by them of those powers, duties and functions which are assigned to them by this Charter if and when such assistance or service is requested or recommended by the head of such office or department."

(c) CHARTER AMENDMENT—PROPOSITION C amends Section 407 of the Charter of the City of San Jose to read as follows:

"Section 407. Compensation. From and after the effective date of this Section, each member of the Council, except the Mayor shall be paid, as compensation for his services as a member of the Council, for each calendar month after said effective date during which he is a member of the 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.

"From and after the effective date of this Section until July 1, 1967, the Mayor shall be paid, as compensation for his services as Mayor and as a member of the Council, for each calendar month within such period of time during which he is Mayor the same compensation as is payable to a member of the Council under the provisions of the immediately preceding paragraph.

"From and after July 1, 1967, the Mayor shall be paid, as compensation for his services as Mayor and as a member of the Council, for each calendar month after July 1, 1967, 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.

"Each person who shall have been a member of the Council, including the Mayor, between July 1, 1966 and the effective date of this Section shall be paid, as compensation for his services, for each calendar month within such time during

which he was a member of the Council, the same compensation as is payable under the first paragraph of this Section to members of the Council other than the Mayor for service rendered by them after the effective date of this Section."

(d) CHARTER AMENDMENT—PROPOSITION D amends Section 1000 of the Charter of the City of San Jose to read as follows:

"Section 1000. Planning Commission. There shall be, and there is hereby established, a Planning Commission to consist of seven (7) members appointed by the Council. It shall be deemed to be a continuation of the Planning Commission established by and pursuant to this Section as it read immediately prior to its latest amendment. 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 immediately prior to the effective date of the latest amendment of this section were members of the Planning Commission established by and pursuant to this Section as it read immediately prior to its latest amendment 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 three (3) members appointed for terms expiring on June 30, 1968 shall continue in office until the end of June 30, 1968; and the two (2) members appointed for four-year terms commencing on July 1, 1966 shall continue in office until the end of June 30, 1970. The Council shall appoint a sixth (6th) member for a term expiring at the end of June 30, 1968, and a seventh (7th) member for a term expiring at the end of June 30, 1970. At the first meeting of the Council on or after the first day of July of each even-numbered year, beginning in 1968, the Council shall alternately appoint four (4) and three (3) commissioners for four-year terms commencing on the first day of July of such year to fill the offices of those members whose terms expire as of the end of the 30th day of June 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."

We further certify that we have compared the text of each of the foregoing amendments with the original proposals 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 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 San Jose to be affixed hereto this 15 day of June, 1966.

(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 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 the members elected to each house voting therefor and concurring therein, That each of said amendments 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 are each hereby approved as a whole, without amendment or alteration, for and as amendments to and as parts of the Charter of the said City of San Jose.

CHAPTER 108

Assembly Concurrent Resolution No. 68—Relative to the retirement of Mrs. Virginia Coker.

[Filed with Secretary of State June 23, 1966.]

WHEREAS, It has come to the attention of the Legislature that June 30, 1966, will mark the end of the outstanding and enviable career of a respected friend and valued aide of the California Legislature, Mrs. Virginia Coker, who will retire from her position as a deputy in the Office of the Legislative Counsel after 27 years of continuous and dedicated service to the state; and

WHEREAS, Mrs. Coker was awarded her B.S. degree from the University of California at Berkeley in 1924, and received her LL.B. degree in 1929 from Boalt Hall, the University's School of Law, and for many years thereafter engaged in the private practice of law; and

WHEREAS, Mrs. Coker first entered the Office of the Legislative Counsel in May 1939 as a junior deputy, and over the years advanced to her present capacity as the deputy in charge of the Legislative Counsel's Indexing Section, which performs the highly important, essential, and indispensable function of maintaining the Statutory Record, and indexing and preparing for publication the statutes and other legislative publications; and

WHEREAS, Mrs. Coker has the distinction of having served for a longer continuous period of years as an attorney in the Office of the Legislative Counsel than any other person in the history of that agency; and

WHEREAS, She has demonstrated unusual ability throughout her career with the Legislative Counsel, has performed an invaluable service for the Legislature and the people of this state, and has earned the friendship, respect, and admiration of all those who have been privileged to know and work with her; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legis-

lature warmly commend and thank Mrs. Virginia Coker for her many years of excellent and dedicated service, and extend her their sincerely best wishes for a happy retirement; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit a suitably prepared copy of this resolution to Mrs. Coker.

CHAPTER 109

Assembly Concurrent Resolution No. 70—Approving three 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 June 7, 1966.

[Filed with Secretary of State June 27, 1966.]

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 Section 7½ of Article XI of said Constitution, did by resolutions and orders adopted on April 5, 1966 duly propose to the qualified electors of said County of San Diego, three amendments to the charter of said county, designated on the ballot as County Propositions A, B and C, and ordered that said amendments be submitted to said qualified electors of said county at a general election to be held in said county on June 7, 1966, 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 10 times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, on April 25, 26, 27, 28, 29, 30 and May 1, 2, 3 and 4, 1966; and

WHEREAS, Said general election was held in said County of San Diego on June 7, 1966, 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 10 times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on June 7, 1966, 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 June 21, 1966, 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 7, 1966, said proposed amendments to the Charter of the County of San Diego were and each of them was 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 FIRST PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Sections 14 and 33 of said Charter be amended and a new Section 14.2 be added to said Charter to read as follows:

Section 14: The Appointive County Officers shall be:

Agricultural Commissioner;
Auditor and Controller;
Board of Law Library Trustees (members of);
Coroner;
County Counsel;
County Engineer and Road Commissioner;
Fish and Game Warden;
County Veterinarian;
Probation Officer;
Public Administrator;
Purchasing Agent;
Registrar of Voters;
Sealer of Weights and Measures;
Superintendent of Schools.

Such other officers as are now or may hereafter be required by law shall also be appointive.

The County Engineer and Road Commissioner shall be ex officio County Surveyor.

Section 33: The County Engineer and Road Commissioner, subject to such rules and regulations as shall be prescribed by the Board of Supervisors, shall have direction and control over all work of construction, maintenance and repair of roads, highways and bridges, other than work done under contract, and it shall be his duty to examine and inspect contract work as the same progresses, and see that the same is

properly performed and when completed, to file his written approval thereof with the Board of Supervisors.

He shall also have control and management of all County rock quarries and gravel pits, and of all other materials, property and instrumentalities necessary for and connected with the construction, maintenance and repair of roads, highways and bridges.

No work on highways and bridges shall be commenced until all rights of way have been obtained, approved by the County Counsel as to form, and accepted by the Board of Supervisors.

Standard specifications for construction work may be prepared by the County Engineer and Road Commissioner and submitted to the Board of Supervisors for approval, and such standard specifications may be adopted by reference in any plans and specifications without incorporating detailed specifications in the plans and specifications. Estimates of cost of construction for each job shall be incorporated in the proposed budget, and when approved by the Board of Supervisors and incorporated in the final budget shall be the appropriation for each particular construction job included in the budget.

The County Engineer and Road Commissioner, or any officer or employee of the department of the County Engineer and Road Commissioner, shall not authorize the use of any labor, material or equipment of the County of San Diego on any project in excess of estimates submitted to the Board of Supervisors, unless the Board of Supervisors by a four-fifths ($\frac{4}{5}$) vote authorize the continuation of such project after an investigation by said Board of the facts at any regular or called meeting of said Board of Supervisors.

In all transactions involving the department of the County Engineer and Road Commissioner, the Board of Supervisors shall act as a Board.

Construction work on highways and bridges may be done by contract or by force account as the Board of Supervisors may direct.

During any fiscal year construction work on any highway or bridge not included in the budget may be ordered by the Board of Supervisors by a four-fifths ($\frac{4}{5}$) vote of the members of the Board if funds are available for such work.

Section 14.2: There is hereby created the office of County Engineer and Road Commissioner. The Board of Supervisors shall be the appointing authority for the County Engineer and Road Commissioner. On the effective date of this section, the person then serving in the position of County Surveyor and Road Commissioner shall be and become the County Engineer and Road Commissioner.

County Proposition B Second Proposed Amendment to the Charter of the County of San Diego

That Sections 55 and 56 of said Charter be repealed and Section 57 of said Charter be amended to read as follows:

Section 57: The Board of Supervisors shall be the appointing authority for the Probation Officer, but appointment of the Probation Officer by said Board shall not be effective until confirmed by a majority of the judges of the Superior Court in and for the County of San Diego.

COUNTY PROPOSITION C THIRD PROPOSED AMENDMENT TO THE CHARTER OF THE COUNTY OF SAN DIEGO

That Section 66 of said Charter be amended to read as follows:

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 election to 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, except that no such officer or employee who becomes a candidate for such office must resign his position if the officer in whose department or office he is employed is an elective officer and does not become a candidate for that office in that election.

State of California }
County of San Diego } ss

We, the undersigned, De Graff Austin, 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 June 7, 1966, have been compared by us, and each of us, with the proposed amendments set forth in the resolutions 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 21st day of June, 1966.

DE GRAFF AUSTIN
(SEAL) Chairman of the Board of Supervisors of the County of San Diego, State of California
ROBERT B. JAMES
County Clerk of the County of San Diego, State of California

Attest:
ROBERT B. JAMES
County Clerk of the County of San Diego, State of California
(SEAL)

WHEREAS, Said proposed amendments to the Charter of the County of San Diego, each and all of which were so ratified by a majority of the electors voting thereon at said general election held on June 7, 1966, 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 Assembly of the State of California, the Senate 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 110

Senate Concurrent Resolution No. 36—Relative to atmospheric pollution in places of employment.

[Filed with Secretary of State June 27, 1966]

WHEREAS, The Division of Industrial Safety of the Department of Industrial Relations is generally authorized by law to establish standards of safety for places of employment, including standards for atmospheric pollution; and

WHEREAS, The division's standard established for atmospheric pollution in places of employment has not been revised and updated in many years; and

WHEREAS, The federal government has established and is reported to be revising standards for atmospheric pollution in places of business engaged in work under contracts with the federal government; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Division of Industrial Safety is requested to hold public hearings to consider adopting standards for atmospheric pollution in places of employment equivalent to the standards established by the federal government; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Chief of the Division of Industrial Safety and to the Director of the Department of Industrial Relations.

CHAPTER 111

Senate Joint Resolution No. 18—Relative to a harbor of refuge at San Simeon.

[Filed with Secretary of State June 27, 1966.]

WHEREAS, An investigation was authorized by Act of Congress, Public Law 14, Seventy-ninth Congress, which investigation was to include the preliminary examination report of a harbor for light-draft vessels at San Simeon; and

WHEREAS, This preliminary examination report recommended that a survey report be made for a harbor for light-draft vessels at San Simeon; and

WHEREAS, Light-draft vessels navigating between Morro Bay and Monterey are without a protected harbor along a 130-mile rugged and unprotected shore; and

WHEREAS, An improved harbor at San Simeon would considerably reduce the distance between safe harbors of refuge and contribute to the safety of life and property; and

WHEREAS, An improved harbor would enhance the economic stimulus provided by those who go to sea in light-draft vessels; and

WHEREAS, It is necessary that a federal government report of survey be made before a harbor for light-draft vessels can be established at San Simeon; and

WHEREAS, The California Navigation Conference has recommended to the House and Senate Subcommittees on Civil Works Appropriations that such a report be made; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California supports the recommendation of the California Navigation

Conference and respectfully memorializes the Congress of the United States to appropriate the necessary funds for the report of survey to determine the feasibility of establishing a harbor for light-draft vessels at San Simeon; 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 112

Senate Concurrent Resolution No. 37—Relative to a study of the feasibility of establishing a waterfowl management area at Clear Lake, Lake County, California.

[Filed with Secretary of State June 27, 1966]

WHEREAS, The Legislature is vitally concerned with the preservation of California's wildlife resources, their habitat, and their related recreational value; and

WHEREAS, Wetlands habitat is continuing to disappear in California, and the need for its preservation is recognized by the wetlands acquisition programs of the United States Department of the Interior and the California Resources Agency; and

WHEREAS, Clear Lake in Lake County, California, is of great importance to wintering and migrating waterfowl and has marshlands that could be used for the establishment of a waterfowl management area; and

WHEREAS, There are no waterfowl management areas on or near Clear Lake, nor were any state parks or recreation areas that could have preserved wildlife habitat authorized for Clear Lake by the State Park Bond Act; 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 hereby requests the Resources Agency to conduct a study to determine the feasibility of establishing a waterfowl management area at Clear Lake and report its findings and recommendations thereon to the Legislature by 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 Governor of the State of California, to the Administrator of the Resources Agency, and to the Secretary of the United States Department of the Interior.

CHAPTER 113

Senate Concurrent Resolution No. 46—Approving certain amendments 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 seventh day of June, 1966.

[Filed with Secretary of State June 29, 1966.]

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 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, Fred Maggiora, 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. 46610 C.M.S. passed April 5, 1966, duly and regularly proposed and submitted to the qualified electors of said City, two certain proposals designated as Propositions (L) and (M) 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 7th day of June, 1966. 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. 46610 C.M.S., and that by said resolution said Council consolidated said special municipal election with the Direct Primary Election to be held in said City on the 7th day of June, 1966.

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 Direct Primary Election on the 7th day of June, 1966, 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 amendments in the "Oakland Tribune," the official newspaper of said City.

That such 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, and in accordance with the provisions of the Charter of the City of Oakland, on the 27th day of April, 1966, 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 amendments 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 27th day of April, 1966, and on each day thereafter to and including the 7th day of June, 1966, 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 proposals 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 amendments.

That as to each of the said amendments 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, and with the authorization and direction of the Board of Supervisors of the County of Alameda, State of California, set forth in its Resolution No. 116439, the County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California, did duly and regularly count the votes cast at said consolidated election, and at said special municipal election, and did determine the result of said special municipal election to be that a majority of the qualified electors of said City voting on said Charter Amendments hereinafter set forth and designated as Propositions (L) and (M) had voted for and adopted said Amendments.

That the proposed amendments to the Charter of the City of Oakland, which were so ratified by a majority of the electors of said City, are in words and figures as follows:

PROPOSITION NO. (L)

Amend Section 51(40) of the Charter pertaining to powers of the City to read as follows:

General Promotion of the City.

Sec. 51(40). To appropriate and spend money from City funds derived from ad valorem taxes on real and personal property for general promotion of the City including advertising, exhibiting manufactured and other products of the City, encouraging immigration to the City, assisting in public celebrations and receiving and entertaining public guests. Provided, however, that the aggregate expenditures from said City ad valorem tax funds for all of such purposes shall not exceed in any fiscal year the sum of two and one-half cents ($2\frac{1}{2}¢$) on each One Hundred Dollars ($100.00) valuation of the assessable property of the City

PROPOSITION NO. (M)

Add Section 30($2\frac{1}{2}$) to the Charter to read as follows:

Sec. 30($2\frac{1}{2}$). The provision in Section 30(2) of this Charter requiring that the City Attorney shall "have been a resident of the City of Oakland for five years next preceding his appointment" is hereby repealed.

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oakland 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 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 15th day of June, 1966.

(SEAL)

FRED MAGGIORA
Vice-Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

WHEREAS, The said proposed amendments as ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration 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 said amendments 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 are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the charter of the said City of Oakland.

CHAPTER 114

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by repealing Section 8 of Article XIII, relating to annual property statements to county assessor.

[Filed with Secretary of State June 29, 1966.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1966 First Extraordinary Session commencing on the 10th day of February, 1966, 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 repealing Section 8 of Article XIII:

CHAPTER 115

Assembly Concurrent Resolution No. 47—Relative to approval of augmentations by the State Public Works Board.

[Filed with Secretary of State June 29, 1966.]

WHEREAS, Section 8 of the Budget Act for each fiscal year historically requires that all major projects of capital outlay be approved by the State Public Works Board; and

WHEREAS, Section 15790 of the Government Code requires the State Public Works Board to determine if construction, improvements and the purchase of equipment shall be undertaken, and the time of undertaking; and

WHEREAS, Sections 16352, 16354 and 16409 of the Government Code provide for augmentation of such capital outlay projects when costs increase over the funds appropriated, subject to approval of the State Public Works Board; and

WHEREAS, There are no criteria to guide the State Public Works Board in determining the amount of augmentation which is in keeping with the intent of the original project scope and appropriation approved by the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Public Works Board is requested to defer all augmentations in excess of 50 percent of the available funds until the Legislature makes additional funds available or determines that augmentation should be accomplished; and be it further

Resolved, That the State Public Works Board refer all augmentations exceeding 25 percent of the available funds to the Chairman of the Assembly Committee on Ways and Means and to the Chairman of the Senate Committee on Finance for their approval before approving such augmentation, unless said chairmen do not respond within 30 days after which time the State Public Works Board shall consider such approval as having been granted; 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 Finance, to the Director of Public Works, to the Director of General Services, and to the Secretary of the State Public Works Board.

CHAPTER 116

Assembly Concurrent Resolution No. 71—Approving certain amendments to the Charter of the City of San Diego, a municipal corporation, in the County of San Diego, State of California, approved and ratified by a majority of the qualified electors of the City of San Diego at the special municipal election held June 7, 1966.

[Filed with Secretary of State June 29, 1966]

WHEREAS, Proceedings have been conducted for the proposal, adoption and ratification of certain amendments to the Charter of the City of San Diego, a municipal corporation, in the County of San Diego, State of California, as set out in the certificate of the Mayor and the 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 The City of San Diego, do hereby certify and declare as follows:

The City of San Diego, a municipal corporation, is now and has been since the year 1931 organized and existing pursuant to the provisions of a freeholders' charter adopted in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California.

Pursuant to Section 8, Article XI of the Constitution of the State of California, the City Council of The City of San Diego, being the legislative body, proposed on its own motion to the qualified electors of The City of San Diego certain amendments to the Charter of the City, which amendments were designated as Propositions D, E, F and G and submitted these propositions to the qualified electors of the City at the Special Municipal Election held on June 7, 1966, which election was duly consolidated with the Statewide Primary Election held on the same date.

The proposed Charter amendments were published and advertised in the San Diego Union, a daily newspaper of general circulation and published in the City and designated as the official newspaper by the City and in each edition of the Union during the day of publication which was April 15, 1966.

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. Until the date fixed for the election a notice was published in the San Diego Union that copies of the proposed Charter amendments were available at the office of the City Clerk, and that the pamphlet would be available until the date fixed for the election.

The proposed amendments were submitted to the qualified electors of the City at the Special Municipal Election held in the City.

At the election a majority of the qualified voters of the City voting on the proposed amendments voted in favor of Propositions D, E, F and G and the proposed amendments were therefore ratified by a majority of the qualified electors of the City voting on them.

All the proceedings were duly and regularly conducted pursuant to Section 8 of Article XI of the Constitution of the State of California, the Charter of The City of San Diego and the laws of the State of California.

As to the amendments to the Charter of The City of San Diego set forth below, this certificate shall constitute full and complete certification of the regularity of all proceedings.

The proposed amendments to the Charter of The City of San Diego which were ratified are as follows:

Section 77b. Public Transportation. The Council may levy, in addition to all other taxes provided for in this Charter, a special tax in an amount not to exceed ten cents ($0.10) on each one hundred dollars ($100.00) of the assessed valuation of all real and personal property within the City, to be used for discharging any obligations undertaken by the City to acquire, develop, operate or maintain a public transportation system or to assist a nonprofit corporation to acquire, develop, operate or maintain a public transportation system.

The Council may establish special funds, execute contracts, acquire property by purchase, devise, lease, gift or condemnation, and may sell, lease, convey, exchange, dispose of, or lend property or funds in order to provide, promote or preserve a public transportation system. The enumerated powers in this section are in aid of public transportation and shall not be limited by any other provisions of this Charter.

Section 77. Capital Outlay Fund. There is hereby created a fund in the City Treasury, to be known as the Capital Outlay Fund. Into this fund each year there shall be placed all moneys derived from taxation required or needed for capital outlay expenditures and all proceeds received from the sale of city owned real property.

The moneys in the Capital Outlay Fund shall be used exclusively for the acquisition, construction and completion of permanent public improvements, including public buildings and such initial furnishings, equipment, supplies, inventory and stock as will establish the public improvement as a going concern. This fund may also be used for the acquisition, construction and completion of real property, water and sewer mains and extensions, and other improvements of a permanent character and also the replacement or reconstruction of the same, but not the repair or maintenance thereof, and shall not be used for any other purpose or transferred from said fund, except with the consent of two-thirds of the qualified electors of said City, voting at a general or special election.

No moneys in said fund shall be transferred at the end of a fiscal year, but shall remain therein as trust moneys for the purposes above outlined, and the said fund shall be used and maintained, if possible, as a cash reserve to enable the City to meet public emergencies or acquire needed permanent public improvements without the issuance of bonds.

Each year the Council may appropriate from said fund in the Annual Appropriation Ordinances, except for use of the Harbor Department, sufficient moneys to care for the needs of the various departments of the City for capital outlay expenditures of a permanent character.

Section 98. Alteration in Contracts. Whenever it becomes necessary in the opinion of the Manager to make alterations, the cost of which exceeds five hundred dollars ($500.00), in any contract entered into by the City, such alterations shall be made only when authorized by the Council upon written recommendation of the Manager. No such alterations, the cost of which exceeds five hundred dollars ($500.00), shall be valid unless the new price to be paid for any supplies, material, or work under the altered contract shall have been agreed upon in writing and signed by the contractor and the Manager prior to such authorization by the Council. All other alterations shall be made by agreement in writing between the contractor and the Manager.

Section 79. Special Assessments. The Council shall have power by ordinance to provide for the payment of all or any part of the cost of any public service or of the acquisition of any land or other property for public use, or of the construction, reconstruction, operation or maintenance of any structure or work in the nature of a public facility or improvement, by levying and collecting special assessments upon property specially benefited. The mode and manner for the acquisition of any land or other property for public use or of the construction, reconstruction, operation or maintenance of any structure or work in the nature of a public facility or improvement and the levying and collecting of special assessments therefor shall be as prescribed at that time by the general law of the State of California relative thereto; unless the Council shall by ordinance provide otherwise.

The legal and engineering work of preparing proceedings, plans and specifications, costs and estimates of any improvements under this Section shall be done and performed by the offices of the City Attorney and City Engineer respectively. However, if there shall be filed with the City Clerk for presentation to the Council a request in writing by property owners interested that such legal and engineering work be performed by attorneys and engineers outside of the City employ, the Council may so provide. As a condition precedent to the Council's granting permission for the employment of private attorneys or engineers, the property owners inter-

ested, the private attorney or the engineer, as appropriate, shall agree to hold the City free and harmless of and from any and all liability or cost or expense if for any reason the project is abandoned by the Council or the assessments are not levied or collected. On City-initiated projects toward which the City or other public agency contributes a portion of the costs, the Council may provide for the employment of private attorneys or engineers without requiring compliance with the foregoing condition precedent.

We further certify that we have compared the amendments to the Charter of The City of San Diego set forth above with the original proposal submitting these amendments to the electors of the City and find that the language set forth above is a full, true and exact copy of the original proposal.

In witness whereof, we sign our names to this certificate and have caused the seal of The City of San Diego to be affixed to it this 21st day of June, 1966.

(SEAL)

FRANK CURRAN
Mayor of The City of
San Diego, California
PHILLIP ACKER
City Clerk of The City of
San Diego, California

and

WHEREAS, The 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, 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 San Diego as set forth in the certificate of the Mayor and the City Clerk of the City of San Diego and as submitted to and adopted and ratified by a majority of the qualified electors of the City of San Diego who voted on the amendments are hereby approved as a whole, without amendment or alteration as amendments to and as a part of the Charter of the City of San Diego.

CHAPTER 117

Assembly Concurrent Resolution No. 73—Approving certain amendments to the Charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at the consolidated election held on June 7, 1966.

[Filed with Secretary of State June 29, 1966.]

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 Inglewood, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF INGLEWOOD OF TWO CERTAIN CHARTER AMENDMENTS.

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 1966, 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. 5443 adopted March 8, 1966 and by its Resolution No. 5445 adopted March 8, 1966, duly and regularly proposed and submitted to the qualified electors of the City of Inglewood two certain propositions for two certain amendments to the Charter of the City of Inglewood at a Special Election consolidated with the Direct Primary Election called and held for that purpose in said City on the 7th day of June, 1966.

That pursuant to the aforesaid resolutions of the City Council of the City of Inglewood, the proposed charter amendments were 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 Direct Primary Election held in said City of Inglewood on the 7th day of June, 1966.

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 two certain proposed amendments to the Charter of the City of Inglewood and hereinafter set forth were ratified by a majority vote of the electors of said City voting thereon.

That as to the proceedings taken relating to the amendments 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 amendments to the Charter of the City of Inglewood, so ratified by the electors of said City, are as follows:

Charter Amendment No. 1

Section 1 of Article VII of the Charter of the City of Inglewood hereby is amended so that the same shall be and read as follows:

"Section 1: An election to be known as a general municipal election shall be held in said city of Inglewood on the first Tuesday in April of each odd numbered year for the filling of such elective offices, the terms of the incumbents of which expire in such year."

Charter Amendment No. 2

Section 4 of Article V of the Charter of the City of Inglewood hereby is amended so that the same shall be and read as follows:

"Section 4: The compensation of the four members of the City Council shall in no event exceed the compensation which the City Council of a general law city the size of the City of Inglewood may, pursuant to state law, provide by ordinance for members of the City Council of such general law city.

The compensation of the Mayor shall be not less than the compensation of a member of the City Council and not more than twice the compensation of a member of the City Council.

"The compensation of the Mayor and members of the City Council shall in no event be less than the compensation provided in this charter on March 8, 1966.

"The City Council shall, in January of 1967 and each fourth year thereafter, by ordinance, and subject to the limitations hereinabove, in this section, set forth, fix the compensation of the councilmen and the Mayor, and said compensation shall be paid during the four years commencing on the Sunday next succeeding the declaration of the result of the general municipal election held in April of the year in which said ordinance is adopted.

"In the event the City Council fails in January of 1967 or any fourth year thereafter to adopt an ordinance fixing salaries of members of the City Council and the Mayor, such officers shall continue to receive the compensation last provided pursuant to the requirements of this section.

"The members of the City Council and the Mayor shall, until the Sunday next succeeding the declaration of the result of the municipal election held in April of 1967, receive such compensation as was provided in this charter on March 8, 1966."

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Inglewood with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Inglewood to be affixed this 21st day of June, 1966.

(SEAL)

WILLIAM GOEDIKE
Mayor of the City of
Inglewood, California
HELEN RIECK
City Clerk of the City of
Inglewood, California

and

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 Inglewood, 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 Inglewood.

CHAPTER 118

Assembly Concurrent Resolution No. 65—Relative to congratulating Miss USA, Maria Remenyi.

[Filed with Secretary of State June 30, 1966.]

WHEREAS, It has come to the attention of the Legislature that Miss California, Maria Remenyi of El Cerrito, has been awarded the coveted title of Miss USA at the Miss USA beauty pageant in Miami Beach, Florida; and

WHEREAS, Maria is 20 years old and came to the United States as a Hungarian refugee in 1956; and

WHEREAS, Maria speaks four languages fluently and is studying physics at the University of California at Berkeley; and

WHEREAS, The many girls in the contest won the right to represent their states by winning in local competition; and the title of Miss USA was awarded on the basis of beauty of face, beauty of form, poise, and personality and charm; and

WHEREAS, The dimpled, brown-haired beauty from El Cerrito has shoulder-length brown hair, weighs 118 pounds, stands 5 feet 6, and measures 35-23-35; and

WHEREAS, Maria will compete in the Miss Universe pageant in July representing the United States; and

WHEREAS, Californians everywhere are proud of their outstanding representative of California and the USA; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature heartily congratulate the California entry and winner of the Miss USA title, Maria Remenyi, and extend to her best wishes in the Miss Universe pageant in July; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit a suitably prepared copy of this resolution to Maria Remenyi.

CHAPTER 119

Assembly Concurrent Resolution No. 72—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 direct primary election, on the seventh day of June, 1966.

[Filed with Secretary of State June 30, 1966.]

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:

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).

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. R66-76, adopted on the 5th day of April, 1966, duly proposed to the qualified electors of the City of Alhambra those certain Amendments to the Charter of said City, designated as Alhambra City Charter Amendment No. 1, Alhambra City Charter Amendment No. 2, and Alhambra City

Charter Amendment No 3, and ordered said Charter Amendments to be submitted to said qualified electors at a Special Municipal Election to be held thereon on the 7th day of June, 1966.

By Ordinance No 066-3310, duly adopted on the 5th day of April, 1966, said City Council ordered the holding of a Special Municipal Election in said City of Alhambra on June 7, 1966, for the purpose of submitting to a vote the said proposed Charter Amendments

By Resolution No R66-78, adopted on April 6, 1966, said City Council requested the Board of Supervisors of the County of Los Angeles to order the consolidation of said Alhambra Special Municipal Election to be held on June 7, 1966, with the Direct Primary Election to be held by the County of Los Angeles on June 7, 1966. Said resolution further requested the Board of Supervisors of the County of Los Angeles to place upon the same ballot as that provided for said Direct Primary Election the aforesaid Alhambra City Charter Amendments. Said resolution further requested the Board of Supervisors to canvass the returns of said Alhambra Special Municipal Election.

On April 12, 1966, said Board of Supervisors of the County of Los Angeles, by Order No. 144, duly ordered said Alhambra Special Municipal Election to be consolidated with the Direct Primary Election to be held by the County of Los Angeles on June 7, 1966, and further ordered that said Alhambra City Charter Amendments be placed upon the same ballot as that provided for said Direct Primary Election and further ordered that the returns of said Alhambra Special Municipal Election be canvassed by the Registrar of Voters of Los Angeles County.

In accordance with Section 8 of Article XI of the Constitution of the State of California said proposed Charter Amendments were on April 21, 1966, duly published and advertised in the Post-Advocate, a daily newspaper of general circulation printed, published and circulated in the City of Alhambra, which newspaper is the official newspaper of said City.

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.

The date of said election on June 7, 1966, was not less than forty days nor more than sixty days after the completion of the publication of said proposed Charter Amendments as aforesaid.

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 7, 1966, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify Alhambra City Charter Amendment No. 1, Alhambra City Charter Amendment No. 2 and Alhambra City Charter Amendment No. 3.

Said Alhambra City Charter Amendments so ratified by the electors of the City of Alhambra are in words and figures as follows, to wit:

ALHAMBRA CITY CHARTER AMENDMENT NO. 1

(Changes Sections 7, 8, 10, 11, 13 and 15 of Article III; Section 58a of Article VI; Sub-section 41 of Section 61 of Article VII; Section 62, (to be amended, renumbered as Section 68 and placed in Article X) and Section 63 and the title of Article VIII; Sections 65, 66 and 67 and the title of Article X; Sub-section 8 of Section 75 of Article XII; Section 77 of Article XIII; Sections 124, 127, 132 and 134 of Article XVIII; Section 135 of Article XIX; Section 174 of Article XXII; and Section 193.1 of Article XXV)

"Article III

General Provisions Relating to Officers

Section 7. Five city councilmen, and a city attorney, shall be elected officials of the City of Alhambra, all of whom shall be elected at the general municipal election on a general ticket from the city at large; provided that, of the five councilmen, one shall be nominated by the qualified electors of each district, of which the councilman so nominated must have been a resident not less than four months next preceding the date of his election. The office of councilman of each district shall constitute a separate office. Five members of the board of education shall be elected officials of the school district, of which the City of Alhambra is a part. All school board members shall be elected at the general municipal election on a general ticket from the school district at large; provided, that the five members of the board of education must have the residence qualifications specified in Section 86 of Article XIV of this Charter.

Section 8. The chief appointive officers shall be as hereinafter designated, and shall be under the jurisdiction of the respective departments to which they are severally assigned, to wit: city clerk hereby assigned to the department of public affairs; city engineer and street superintendent hereby assigned to the department of public works; director of finance hereby assigned to the department of finance; superintendent of building, chief of police, chief of fire division and health officer, hereby assigned to the department of public safety. Each such chief appointive officer shall be appointed by the

city manager, subject to confirmation of each appointment by the council.

Section 10. The council shall consist of five councilmen, each of whom, including the mayor, shall have a vote on all questions coming before the council.

To be eligible to the office of councilman a person must be a qualified elector of the City of Alhambra and shall have resided in said city for at least three years next preceding the date of his election or appointment.

Wherever in this Charter the word 'commission' is used, referring to the city commission of the City of Alhambra, the word 'council' shall be substituted in lieu thereof; and wherever in this Charter the word 'commissioner' is used, referring to a commissioner of the city commission of the City of Alhambra, the word 'councilman' shall be substituted in lieu thereof. Wherever hereinafter in this Charter the words 'president of the commission' are used, the word 'mayor' shall be substituted in lieu thereof. Wherever hereinafter in this Charter the words 'vice-president of the commission' are used, the words 'vice-mayor' shall be substituted in lieu thereof.

To be eligible to the office of attorney, a person must be a qualified elector of the City of Alhambra and shall have resided in said city for at least one year next preceding the date of his election or appointment.

Section 11. Members of the council shall hold office for a term of four years from and after the first day of July following their election and until their successors are elected and qualified.

The city attorney shall hold office for a term of four years from and after the first day of July following his election and until his successor is elected and qualified.

The election for the offices of councilman of the second district, councilman of the fifth district, and city attorney shall take place in the year 1961, and every fourth year thereafter.

The election for the offices of councilman of the third district, and councilman of the fourth district, shall take place in the year 1963, and every fourth year thereafter.

The election for the office of councilman of the first district shall take place in the year 1965, and every fourth year thereafter.

Section 13. If a vacancy shall occur in the office of councilman, or city attorney, the council shall appoint a person to fill such vacancy, but such appointee, if a councilman, must be a resident and qualified elector of the district in which the former councilman resided at the time of his election or appointment, and such appointee shall hold office, subject to the provisions of this Charter, only until the next general municipal election.

Section 15. Every bond shall contain the condition that the principal will well, truly, honestly and faithfully perform the duties of his office, and all bonds must be approved by

the council, after first being approved as to form by the city attorney.

Approval of such official bond must be endorsed thereon and signed by the officers approving the same. Each bond, when so approved, shall be filed with the city clerk. All provisions of any law of this state, relating to official bonds, not inconsistent with this Charter shall be complied with."

"Article VI

The Council

Section 58a. The council shall from time to time provide for the appointment of such deputies as may be necessary in the office of the city attorney and fix their compensation. Except as otherwise provided by law, ordinance or this Charter, any such deputy shall have and exercise in the name of his principal, all of the powers of such principal, including those exercised by the principal in any ex officio capacity; and shall be appointed by said principal, subject to the approval of the city manager and thereafter of the council."

"Article VII

Powers of the City and the Council

Section 61. Except as herein otherwise expressly provided, the council shall exercise all the general powers of the city herein set forth, and all powers now held by or that may hereafter be given to the city under the constitution or laws of the state; but only in the manner and under the conditions of this Charter, and subject to all its provisions.

In addition to all such powers, the council, subject to the provisions and restrictions of this Charter, shall have power:

41. To provide for the repayment by the director of finance of any taxes, percentages or costs erroneously or illegally collected."

"Article VIII

City Clerk

Section 63. The city clerk shall prepare the agenda for all council meetings. He shall attend the meetings of the council and keep a full and accurate record of all the proceedings; he shall have charge and custody of the corporate seal, and all deeds and other evidences of the city's title to property, and all books, papers and records belonging to the city, when not in actual use by other officers or elsewhere by special provision committed to their custody; he shall attest the signatures of other officials. He shall have general supervision of all city election activities.

He shall keep separate records in which respectively he shall record all ordinances, contracts and official bonds, and properly index all such records and shall file and properly index all such ordinances, contracts, bonds and other instruments and papers. He shall perform such other duties as are or shall be required of him by the Charter or by the laws of the state and ordinances not in conflict with such Charter."

"Article X

Director of Finance and Ex Officio City Treasurer, Assessor and Tax and License Collector

Section 65. The director of finance shall receive and safely keep all moneys that shall come to the city by taxation or otherwise, and pay the same out on demands legally audited in the manner provided by this Charter; and without such auditing he shall disburse no public moneys whatever, except principal and interest of the municipal debt when payable.

The director of finance shall also be ex officio city treasurer.

He shall issue receipts to all persons paying money into the treasury.

He shall make a record at the close of each business day showing all moneys received during the day, together with the number of each receipt given by him therefor, for what account and from whom received and to what fund applied.

He shall, each month, make out and present to the council, a full and complete statement of the receipts and expenditures for the preceding calendar month; and he shall make such special reports from time to time as may be required by the council.

He shall perform such other duties as are or shall be required of him by this Charter or by the laws of this state and ordinances not in conflict with such Charter.

Section 66. The director of finance shall also be ex officio city assessor and it shall be his duty as such city assessor, in addition to any duty that may be elsewhere prescribed for him by this Charter or by ordinance, to make out annually, within such time as may be prescribed by ordinance of the city, either now or hereafter in force, a full, true and correct list of all property, both real and personal, taxable by law, within the limits of said city, with the valuation thereof, and assess the same to the persons by whom it was owned or claimed, or in whose possession or control it was, at 12 o'clock meridian on the first Monday in March next preceding.

Each taxpayer in said city shall make and deliver to the city assessor annually, and at such time as is or shall be provided by ordinance, a statement under oath setting forth specifically all the real and personal property owned by such taxpayer, or in his possession or under his control at 12 o'clock meridian on the first Monday in March next preceding.

It shall be the duty of the assessor to collect the taxes on all personal property, when the owner of said property is not seized of real estate in said city sufficient to afford ample security for the collection of said taxes, as is or shall be provided by ordinance, and he shall immediately deposit the taxes so collected.

He shall make up the tax roll showing the valuation of all taxable property and the total thereof not later than June thirtieth of each year.

He shall perform such other duties as shall be required of him by this Charter or by the laws of this state and ordinances not in conflict with such Charter.

Section 67. The director of finance shall also be ex officio city tax and license collector, and as such tax and license collector he shall receive and collect all city taxes, general and special, and other city revenues not otherwise provided for by this Charter or by ordinance.

He shall keep proper books, showing all moneys collected by him as tax or license collector; he shall also keep a book which shall contain a record of every certificate of sale issued or deed given by or on behalf of the city for real estate sold for delinquent taxes or assessments, which said book shall be properly indexed and shall be at all suitable times open to public inspection.

He shall make daily deposits of all moneys received by him in his capacity as tax or license collector.

He shall perform such other duties as are or shall be required of him by this Charter or by the laws of this state and ordinances not in conflict with such Charter.

Section 68. The director of finance shall act as the general accountant and fiscal agent of the city, and shall exercise a general superintendence over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and shall prescribe the method of keeping the books and accounts of the city, subject to the approval of the council.

He shall keep a complete set of books, as prescribed by the council, in which he shall set forth in a plain and businesslike manner, every money transaction of the city, so as to show at all times the state of each fund, from which source the money was derived and for what purpose any money was expended, and also all collections made and paid into the treasury by each officer or any other person.

The director of finance shall audit, before payment, all demands against the city and approve the same only when legally due and drawn upon the proper fund. If allowed by him he shall endorse such warrant with the word 'allowed' and the date of said allowance, and sign his name thereto. If in his judgment any demand is incorrect, defective or improperly drawn, he shall return the same to the council with his objections.

He shall keep a record of all demands audited by him showing numbers, dates, amounts, names of claimants, purpose and from what fund drawn, whether approved or not.

It shall be his duty to apportion among the several funds all public money at any time in the city treasury, not by law or ordinance specifically apportioned or appropriated.

He shall report to the council each month, and oftener if required by it, the condition of each fund in the city treasury, and also the receipts and disbursements.

He shall make and present a report to the council not later than the ninetieth day following the close of each fiscal year, showing all financial business transactions of the city for the preceding fiscal year.

He shall, on or before the first day of May in each year, make and present to the council a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth estimates of (1) the revenue from other sources than taxation; (2) the itemized expenditures; (3) the itemized amounts necessary to be raised by taxation for each fund.

He shall perform such other duties as are or shall be required of him by this Charter or by the laws of this state and ordinances not in conflict with such Charter."

"Article XII

City Manager

Section 75. Except as otherwise provided by this Charter, the powers and duties of the city manager shall be:

1. To see that the laws and ordinances are enforced.

2. To appoint all chief appointive officials, subject to the approval of such appointments by the council.

3. To appoint all subordinates and employees in all departments, not otherwise provided for in this Charter, and to determine their duties and fix their compensation. All such appointments and the fixing of compensation shall be subject to the approval of the council and shall not be effective without such approval. To remove any appointee and no removal shall be made without his consent.

4. To have supervision and control of all departments, boards and divisions created herein or that may be hereafter created by the council except as otherwise provided by this Charter.

5. To examine and make to the council, reports in regard to any matters requested by it, and also of his own motion, and recommend to that body for adoption such measures as he may deem necessary or expedient.

6. To sign such contracts, licenses and other public documents and instruments on behalf of the city as the council may authorize.

7. To attend all meetings of the council with the right to take part in the discussion but having no vote.

8. To have supervision and charge of the city attorney only insofar as his duties pertain to the departments of which he has charge and supervision.

9. To exercise such other powers and perform such other duties as are herein conferred or imposed upon him by this Charter or may be conferred or imposed upon him by the council under the provisions of this Charter.

10. Before entering upon the duties of his office, he shall take the official oath required by law and execute an official bond in such sum as shall be determined by the council."

"Article XIII

Police, Fire and Health Divisions

Section 77. The chief of police shall enforce, within the jurisdiction of the city, the execution of all laws and ordinances; and for the suppression of any riot, public tumult, disturbance of the peace or resistance against law or public authorities in the lawful exercise of their functions, he shall have all powers that are now or may hereafter be conferred upon sheriffs by the laws of the state, and shall in all respects be entitled to the same protection, and his lawful orders shall be promptly executed by deputies, police officers and watchmen in the city, and every citizen shall also lend aid, when required for the arrest of offenders and in maintenance of public order. He shall and is hereby authorized to execute and return all processes issued and directed to him by a court of competent jurisdiction or judge or other legal authority. He shall have charge of the city prison and prisoners. He shall devote his entire time to the discharge of the duties of his office; and subject to the Charter and such rules and regulations as the council may prescribe, shall have control of the police force In addition to his duties in this Charter specified, he shall discharge all duties required of him by the laws of this state and ordinances not in conflict with this Charter."

"Article XVIII

Finance

Section 124. On or before the fifteenth day of July in each year or on such date in each year as shall be fixed by the council, the city manager, chief appointive officers and other heads of departments, offices, and boards shall send to the director of finance 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 and boards during such fiscal year.

Section 127. The council must finally adopt, not later than the last Tuesday in August, an ordinance levying upon the assessed valuation of the property in the city, subject to the

provisions of this Charter, a rate of taxation upon each one hundred dollars of valuation sufficient to raise the amounts estimated to be required in the annual budget, less than the estimated amount of income from fines, licenses and other sources of revenue. It shall then deliver the assessment roll to the director of finance, who shall compute and carry out the amount of the tax so levied upon each parcel of property contained in said assessment roll. The corrected list for each tax shall be the assessment of said tax for said year, and it shall be certified by the director of finance as being the assessment roll of said tax.

Section 132. All demands against the City of Alhambra, except as otherwise by this Charter provided, shall be presented to and audited by the council in accordance with such regulations as it may by ordinance prescribe; and upon the allowance of any such demand, checks shall be drawn upon the funds of the city and signed by the city manager and the director of finance.

Section 134. Except as otherwise provided by this Charter, every officer collecting or receiving any moneys belonging to or for the use of the city shall pay the same to the director of finance on or before the first Monday of each month, or at more frequent intervals as may be directed by the director of finance."

"Article XIX

Contracts

Section 135. Except as provided in subparagraphs (a) and (b) below, the City of Alhambra shall not be and is not bound by any contract (except such a contract as is otherwise authorized by this charter to be made in behalf of the city by a board or officer of the city) unless the council shall have first caused notice to be published for not less than five days in a daily newspaper or posted for five days in three public places in the city to be designated by the council, inviting proposals to perform the same, and thereafter shall have let said contract to the lowest responsible bidder furnishing security for its performance satisfactory to the council; provided that no such contract shall be made or shall be binding on the city unless and until the following steps shall have been taken:– such contract shall have been reduced to writing and the draft thereof shall have been approved as to form by the city attorney by his endorsement thereon; and such contract shall thereafter have been authorized and approved by resolution adopted by the council and the same ordered to be, and be, signed on behalf of the city by the mayor, the city manager, or some other person authorized so to do by resolution, and shall have been countersigned by the city clerk, who shall number and register the same in a book kept for that purpose.

(a) The council may by resolution authorize the execution of a contract without any previous publication or posting of notice inviting bids or proposals when the council finds and declares in such resolution that any one or more of the following situations exist, such contract to be executed in the same manner as specified hereinabove, except for the aforesaid previous publication or posting of notice inviting bids or proposals:

When there is only one available source which can supply the subject matter of the contract;

When the contract is for personal services involving peculiar or specialized skill or ability;

When an emergency exists which makes it essential to the health, safety or welfare of the people that emergency action be taken.

(b) The council may by resolution authorize any officer, committee or agent of the people to bind the city for the payment of a sum of money not exceeding two thousand five hundred dollars without a contract in writing and without a previous publication or posting of notice inviting bids or proposals.

(c) It shall be the duty of the city attorney to see that all bonds relating to any such contract and required by resolution, ordinance, this charter or the general laws of the state are properly drawn, executed and delivered.

(d) The council may, in its discretion, reject all bids or proposals submitted pursuant to any notice inviting bids or proposals."

"Article XXII

Recall

Section 174. No recall petition shall be filed against any elective officer until he has actually held his office for at least six months, and no second or subsequent recall petition shall be filed against the same officer for a period of six months from the time of the last recall election relating to said officer and for any second or subsequent recall election the petitioners shall first deposit with the director of finance an amount of cash equal to the total cost of the last recall election, for the purpose of defraying the expenses of the recall election petitioned for; if at the election said officer is recalled, said deposit shall be returned to the petitioners, but if said officer is not recalled, it then shall be the property of the city and shall be credited to the general fund of the city."

"Article XXV

Miscellaneous

Section 193.1 The amendment of Sections 83, 84, 85 and 86 of Article XIV and of Section 107 of Article XVII, and the repeal of Section 97 of Article XIV of this Charter,

as ratified by the Legislature at its 1963 regular session, shall become operative only upon the effective date of the formation of a unified school district which includes the territory of the Alhambra City School District and the Alhambra City High School District. Prior thereto, Sections 83, 84, 85, 86 and 97 of Article XIV and Section 107 of Article XVII of the Charter of the City of Alhambra, as they read prior to such ratification by the Legislature, shall remain operative."

ALHAMBRA CITY CHARTER AMENDMENT NO. 2

(Changes Section 49 of Article VI and Sub-section 10 of Section 59 of Article VII)

"Article VI

The Council

Section 49. No action providing for levying any tax or assessment; granting any franchise; for establishing or changing fire limits or districts, or for imposing any penalty, shall be taken except by ordinance, except in cases where the council takes action in pursuance of a general law of the state."

"Article VII

Powers of the City and the Council

Section 59. The City of Alhambra, in addition to any other powers now held by or that may hereafter be granted to it under the constitution or laws of the state, shall have the right and power—

10. To lease to persons, firms or corporations for the purpose of maintenance, operation or use, any public utility owned or controlled by the city, and to provide for the leasing of any lands now or hereafter owned by the city, except lands donated, purchased or used as public parks; provided, that any such lease for a term exceeding one year shall be made only to the highest responsible bidder, for a term not exceeding fifty years; and provided further, that the council may, at its discretion, reject any and all bids."

ALHAMBRA CITY CHARTER AMENDMENT NO. 3

(Adds Section 107a to Article XVII)

"Article XVII

Elections

Section 107a. Each candidate for any elective city office at any general municipal or special election shall file in the

office of the city clerk a written and signed declaration of his intention to become a candidate for such elective city office. The declaration of intention shall be filed, on a form to be supplied by the city clerk, not more than thirty nor less than twenty days prior to the first day on which such candidate's nomination papers may be presented for filing. No person may be a candidate nor have his name printed upon any ballot as a candidate for elective city office unless he has filed such declaration of intention. The provisions of this section shall not, however, be deemed to prevent or prohibit the writing in on any ballot by any voter of the name of any candidate whose name is not printed thereon and for whom he may wish to vote, as provided in this Charter."

We have compared the foregoing amendments 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; we further certify that the facts set forth in the preamble preceding such amendments to such Charter are true.

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 our hands and caused the corporate seal of the City of Alhambra to be affixed hereto this 21st day of June, 1966.

(SEAL)

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 120

Senate Concurrent Resolution No. 34—Relative to electronic data processing.

[Filed with Secretatry of State July 1, 1966.]

WHEREAS, California state government is moving rapidly into use of systems analysis as a management tool to examine, analyze and reorganize state government operations; and

WHEREAS, It is imperative that the most advanced management procedures, techniques, and tools be employed to ensure the economical and efficient operation of state government; and

WHEREAS, Effectively implemented electronic data processing procedures would appear to provide one approach to the expeditious, efficient, and economical operation of state government; and

WHEREAS, The budget proposals for expansion of existing data processing systems and the establishment of major new systems as presented to the Legislature in the 1966 session for financing have generally failed to identify the specific costs related to benefits necessary to compare assumed advantages of the systems with existing procedures and their costs; and

WHEREAS, The evaluation of the cost, utility and need for electronic data processing procedures and equipment is a continuing responsibility of the fiscal committees of both houses of the Legislature in carrying out budget review; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Legislative Budget Committee shall study the various elements of the proper interagency relationships and procedure for initiating, coordinating and providing fiscal review for proposals to establish electronic data processing and shall consider the needs of both state and local government in making recommendations thereon, including specific recommendations as to the major new systems proposed in the 1966 Budget which were not approved by the Legislature. Such report and recommendations shall be made not later than the 30th calendar day after the convening of the 1967 General Session; and be it further

Resolved, That the committee shall, as a continuing responsibility, consider the character, strengths, limitations, and potential applications of such techniques for managerial analysis such as systems analysis, and shall formulate recommendations regarding appropriate procedures for use of these techniques by state government; and that the committee shall act as liaison with executive agencies on systems analysis studies and systems development projects; and be it further

Resolved, That in addition to any money heretofore made available to it, the sum of thirty thousand dollars ($30,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Senate and the Assembly for the payment of any and all expenses of the Legislative Budget Committee and its members incurred under this resolution, 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 121

Senate Concurrent Resolution No. 42—Relative to the death of Judge Natale Charles Brusatori.

[Filed with Secretatry of State July 1, 1966.]

WHEREAS, The Members of the Senate were deeply grieved to learn of the recent death of Judge Natale Charles Brusatori, noted Marin civic leader; and

WHEREAS, Judge Brusatori was born on October 19, 1902, in Lonate Pozzolo, Italy, and emigrated to the United States when he was two and one-half years old; and

WHEREAS, He attended Short School and San Rafael High School, distinguishing himself in sports; and

WHEREAS, He received his LL.B. degree from San Francisco Law School in May 1923, successfully passed the bar examination, and on his 21st birthday was sworn in as a member of the California Bar; and

WHEREAS, He rendered outstanding service to his community in the successive positions of private attorney, member of the San Rafael Board of Education, justice of the peace, and municipal court judge; and

WHEREAS, In 1956 he performed the almost unprecedented political feat of unseating an incumbent from the superior court bench; and

WHEREAS, As a superior court judge, he became noted for his earnest efforts to dispense justice under the law, and for his intense interest in the problems of juveniles; and

WHEREAS, On the occasion of his retirement from the position of superior court judge, an Independent-Journal editorial said: "Judge Brusatori has served his fellow man well . . . day and night, he has spent almost a lifetime deeply and sincerely concerned with the plight of his fellow man"; and

WHEREAS, Judge Brusatori was an active and prominent member of the San Rafael Elks Lodge, the Elbeetian Legion, the Marin County Bar Association and the Conference of California Judges; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature hereby express their deep regret at the passing of Judge

Natale Charles Brusatori and extend their sincere condolences to his family and many friends; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to his widow, Mrs. Mary Brusatori.

CHAPTER 122

Senate Concurrent Resolution No. 45—Relating to a study of the Indian Canyons area as a state park site.

[Filed with Secretatry of State July 1, 1966.]

WHEREAS, With the rapidly increasing population of the Counties of Riverside and San Bernardino, it is becoming increasingly evident that expanded recreational facilities will be necessary in the immediate future; and

WHEREAS, Palm Canyon, Andreas Canyon, Murray Canyon, and Tahquitz Canyon, commonly known as the Indian Canyons, which are presently owned by the Aqua Caliente Indians, offer an area of great natural scenic beauty and the opportunity for development as excellent tourist and recreational attractions; and

WHEREAS, This part of the state is presently experiencing an acute shortage of adequate recreational facilities; and

WHEREAS, The Mayor of Palm Springs has urged that, due to the regional nature of the Indian Canyons, the state should undertake the preservation and development of this natural resource by incorporating it into the state park system; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Parks and Recreation is directed to undertake a study to determine the feasibility of establishing a state park which would include the Indian Canyons, and to comply with the provisions of the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of Parks and Recreation.

CHAPTER 123

Senate Concurrent Resolution No. 41—Relative to the California Law Revision Commission.

[Filed with Secretatry of State July 1, 1966.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any other topics

that the Legislature has referred to, or has approved for study by, the California Law Revision Commission, the commission is authorized to study the following topic:

Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised.

CHAPTER 124

Senate Concurrent Resolution No. 43—Approving certain amendments to the Charter of the County of Fresno, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election, to wit: The State Primary Election held on June 7, 1966.

[Filed with Secretary of State July 5, 1966.]

WHEREAS, The County of Fresno, State of California, has been at all times herein mentioned and now is a body corporate and politic and a political subdivision of the State of California, and is now and has been since the 24th day of April, 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 special election duly and regularly called and held for that purpose on the 10th day of April, 1933, and approved by the Legislature of the State of California on the 19th day of April, 1933, and filed in the office of the Secretary of State on the 24th day of April, 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 resolutions and orders adopted on the 4th day of April, 1966, duly propose to the qualified electors of the said County of Fresno, certain amendments to said charter of said county designated on the ballot as county proposals "A" to "Y" inclusive, and ordered that said proposed amendments be submitted to the qualified electors of said county at a general election, to wit: the statewide primary election to be held in said county on the 7th day of June, 1966, which date was fixed by law as the date for holding said election; and

WHEREAS, Said proposed charter amendments, and each of them, were published 10 times in The Fresno Bee, The Republican, a daily newspaper of general circulation printed, published and circulated in said county, to wit: on April 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, 1966; and

WHEREAS, Said board of supervisors by resolution adopted on the 4th day of April, 1966, did order the placing of said proposed charter amendments on the ballot at said election to be held in the said County of Fresno on the 7th day of June, 1966. which date was not less than 30 days nor more than 60 days after said publication of said proposals as aforesaid for 10

times in a daily newspaper of general circulation printed, published and circulated in said county as aforesaid; and

WHEREAS, prior to said election the County Clerk of the County of Fresno, he being the duly designated officer therefor, did publish all notices, receive, print and publish and duly distribute to the voters of said county all analysis, arguments, sample ballots and other matters as required by law prior to the holding of said election, and said election was duly and regularly held in the manner provided by law in the said County of Fresno on the said 7th day of June, 1966; and

WHEREAS, thereafter the County Clerk of said County of Fresno, having been designated in the manner provided by law, did duly and regularly canvass the returns of said election and certify the same to the clerk of the board of supervisors of said county, and said clerk did on the 17th day of June, 1966, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election; and

WHEREAS, at said election held on the 7th day of June, 1966, as aforesaid, said proposed amendments "A", "B", "C", "D", "E", "K", "L", "M", "N", "O", "P", "R", "S", "T", "U", "V", "W", "X", and "Y" were ratified by a majority of the electors of said county voting thereon, and that proposals "F", "G", "H", "I", "J", and "Q" were not so ratified; and

WHEREAS, said charter amendments so ratified by the electors of the said County of Fresno 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. Said amendments so submitted are as follows:

COUNTY PROPOSAL A

Shall Section 8 of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 8. Whenever a vacancy occurs in the Board of Supervisors, it may be filled by the unanimous vote of the remaining members, provided, there are at least three remaining members, and if they fail for a period of 30 days following the occurrence of such vacancy to make such appointment, the Governor shall fill the vacancy. The appointee shall hold office until the election and qualification of his successor. An appointee must be a qualified elector of the district in which the vacancy occurs, must have been a resident therein for at least one year immediately preceding the occurrence of the vacancy, and must reside therein during his incumbency.

COUNTY PROPOSAL B

Shall Section 12(b) of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 12(b). To provide by ordinance, or resolution for the compensation of elective and appointive officers, assistants, deputies, clerks, attaches, and employees unless such compensation is otherwise fixed by this Charter. In all cases in which an officer is to receive a fixed salary, whether such salary be fixed by this Charter or by the Board of Supervisors, such salary shall be in full compensation for all services by such officer except in the case of constables as hereinafter provided; and in all cases in which such officer is, by general law, entitled to charge and receive fees or commissions it shall be the duty of such officer to charge, collect and receive such fees or commissions and pay the same monthly to the county treasurer. The compensation of elective officers shall be fixed at least sixty days prior to the primary election at which such officer is a candidate. The compensation of elective officers shall not be increased or diminished after the election of such officer or during his term of office. The Board of Supervisors may allow such additional deputies or assistants as may be necessary and proper, to elective and appointive officers during their term of office, and the Board of Supervisors may also increase or decrease the compensation of deputies or assistants during the term of office.

COUNTY PROPOSAL C

Shall Section 12(h) of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 12(h). To provide in the purchase of property by the County, that price and quality being equal preference shall be given to Fresno County products or vendors.

COUNTY PROPOSAL D

Shall Section 13 of the Charter of the County of Fresno which relates to the Department of Public Welfare be repealed?

COUNTY PROPOSAL E

Shall Section 14 of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 14. The elective County officers other than the members of the Board of Supervisors shall be:

Auditor
Assessor
County Clerk
Coroner
District Attorney

Public Administrator
Recorder
Sheriff
Superintendent of Schools
Tax Collector
Treasurer

The Tax Collector shall be ex-officio licence collector of the County

Any two or more of the above listed elective offices may by Ordinance be consolidated and any elective office or consolidated elective office may be consolidated with any appointive office in which latter event the consolidated office shall be elective. Nothing herein contained shall be deemed to authorize any consolidation of offices which would result in a holder of a consolidated office performing functions for which he does not have the qualifications prescribed by State law or this Charter. Any office or offices having been once consolidated may likewise by ordinance be separated.

COUNTY PROPOSAL K

Shall Section 16 of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 16. The appointive County officers shall be
Members of the Civil Service Commission
Members of the Planning Commission
Agricultural Commissioner
Probation Officer
County Health Officer
Director of Weights and Measures
Director of Public Works
County Administrative Officer
County Counsel

Such other officers as now are or which may be hereafter authorized by the general law of the State of California or this Charter and established in pursuance thereof.

The Board of Supervisors shall appoint, suspend or remove, subject to the provisions of this Charter the following officers, boards and commissions: County Administrative Officer, County Counsel, members of the Civil Service Commission, members of the Planning Commission, Boards and Commissions not otherwise provided for by this Charter

The County Administrative Officer shall appoint, suspend or remove, with prior approval of the Board of Supervisors, and subject to Civil Service procedures, where applicable, all other appointive County officers, except as provided in this Charter. All appointive officers shall have the qualifications and exercise the powers and privileges and perform the duties and functions which now are or which may be hereafter prescribed for their respective offices by the Constitution and laws of the State of California, this Charter, and the ordinances and resolutions of the Board of Supervisors. The Director of Public

Works shall be a registered civil engineer of the State of California and shall be ex-officio County Surveyor and Road Commissioner, and as such shall have the powers and privileges and perform the functions and duties which now are or which may be hereafter prescribed for such office by the Constitution and laws of the State of California, this Charter, and the ordinances and resolutions of the Board of Supervisors.

COUNTY PROPOSAL L

Shall Section 18 of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 18. There shall be a County Planning Commission consisting of seven or nine members as the Board of Supervisors may by ordinance determine to be appointed by the Board of Supervisors. At least one member shall be appointed from each supervisorial district and reside therein during his term. The terms of the members shall be four years with the maximum staggering as it exists at the time of this 1966 amendment being retained. A member of the Commission having served any portion of two successive four year terms any part of which is prior to or subsequent to this 1966 amendment shall be ineligible for reappointment until a full four year term has elapsed since the expiration of his last term.

There shall be a Director of Planning who shall be appointed in the manner provided for in this Charter.

Said Planning Commission, Director of Planning and the Board of Supervisors, as the case may be, shall have such jurisdiction, powers and duties to formulate, approve, adopt, enact, and administer general plans, zoning ordinances, official plans, and precise plans, and do any and all other things related to local and area planning as is now or may hereafter be conferred upon them by Title 7 of the Government Code of the State of California or any general State law relating to planning as the same may now or hereafter provide. All matters of procedure relating to proceedings before the Planning Commission and the Board of Supervisors, including appeals, shall be established by ordinance or rule and any matter of procedure not so provided shall be governed by general law.

COUNTY PROPOSAL M

Shall the Charter of the County of Fresno be amended by adding Section 19 thereto to read as follows, to wit:

Section 19. County Administrative Officer

1. The County Administrative Officer shall be the Chief Administrative Officer of the County. He shall maintain residence within the County of Fresno during his tenure of office.

2. The County Administrative Officer shall be responsible to the Board of Supervisors for the proper and efficient administration of such affairs of the County as are or hereinafter may be placed in his charge, or under his jurisdiction or control, pursuant to the provisions of this Charter, or of any ordinance, resolution or order of the Board of Supervisors. He shall also act in an advisory capacity to and with the Board of Supervisors with respect to any necessary or proper co-ordination of the functions of officials and boards not under his jurisdiction or control. He shall be charged with, and shall be responsible for, the administrative supervision of all department heads for which he is the appointing authority, the enforcement of all ordinances, orders or governmental regulations of the Board of Supervisors, and he is vested with the power to sue, in the name of the County, in the proper court, to enforce same.

3. In addition to other powers and duties provided in this Charter, it shall be the duty of the County Administrative Officer and he shall have the power to:

(a) Supervise and direct the preparation of the annual budget of the County for the Board of Supervisors and be responsible for its administration after adoption.

(b) Formulate and present to the Board of Supervisors, such measures, recommendations and ordinances as may to him seem necessary or expedient, and to organize and present to the Board of Supervisors programs for the growth and development of the County and for the expansion of public works and services made necessary thereby, including a long term plan for capital improvements.

(c) Make recommendations to the Board of Supervisors relating to personnel policies, including the creation or abolition of positions in the several County offices and departments, and the establishment of salaries and wages therein.

(d) To perform such other duties as may be lawfully prescribed or required by this Charter, or by ordinance, resolution, or order of the Board of Supervisors.

County Proposal N

Shall Section 20 of the Charter of the County of Fresno which relates to the Probation Committee be repealed?

County Proposal O

Shall Section 21 of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 21. The Probation Officer and such deputy probation officers as the Board of Supervisors may provide from time to time shall be appointed by the Judges of the Superior Court of the County of Fresno. The salary of the Probation Officer and of deputy probation officers shall be fixed by the

Board of Supervisors. In all other probation matters the General Law shall apply and the Probation Officer shall be governed thereby.

COUNTY PROPOSAL P

Shall Section 23 of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 23. Except as provided by this Charter or required by the laws of the State of California, whenever a vacancy occurs in any elective county or judicial district office, the Board of Supervisors shall fill such vacancy and the appointee shall hold office for the full unexpired term of his predecessor and until his successor is elected and qualified.

COUNTY PROPOSAL R

Shall Section 26 of the Charter of the County of Fresno which relates to the Purchasing Agent be repealed?

COUNTY PROPOSAL S

Shall Section 27 of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 27. Each County and judicial district officer, board and commission shall have the powers and perform the duties now or hereafter prescribed by general law and by this Charter, and such other duties as may be legally required by the Board of Supervisors.

COUNTY PROPOSAL T

Shall Section 28 of the Charter of the County of Fresno which relates to the County Health Officer be repealed?

COUNTY PROPOSAL U

Shall Section 34 of the Charter of the County of Fresno which relates to the annual County Budget be repealed?

COUNTY PROPOSAL V

Shall Section 35 of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 35. The Board of Supervisors may at any time employ an independent auditor to audit the books and records of any County office, officer or department.

COUNTY PROPOSAL W

Shall Section 38 of the Charter of the County of Fresno which relates to the initiative, referendum and recall be repealed?

COUNTY PROPOSAL X

Shall Section 43 of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 43. No person applying for employment by the County and who is related within the third degree, whether by blood or marriage, to any person then employed in the County department in which the applicant is seeking employment or is so related to any County Officer or appointive department head whatsoever, shall be employed by the County except that the Board of Supervisors may by unanimous vote of all members present, provided there are at least four members so present, find that by reason of unusual qualifications of the applicant, or the existence of other unusual circumstances, the best interest of the County would be served by employing such person and accordingly authorize such employment.

COUNTY PROPOSAL Y

Shall Section 44 of the Charter of the County of Fresno be amended to read as follows, to wit:

Section 44. 1. For the purpose of providing for the selection and retention of appointive officers and employees of the County of Fresno on the basis of merit and ability rather than political affiliations, the Board of Supervisors of the County of Fresno shall provide by ordinance for a system of civil service examinations, appointment and retention in employment of all such officers and employees.

2. Such ordinance shall provide for:

(a) A civil Service Commission of five electors holding no other public office serving staggered terms of four years with such assistants and quarters as are necessary. A member of the Commission having served any portion of two successive four year terms any part of which is prior to or subsequent to this 1966 amendment shall be ineligible for re-appointment until a full four year term has elapsed since the expiration of his last term.

(b) Dismissal of employees and officers for cause by the Department Head subject to final authority in the Commission to reinstate on appeal.

(c) A system for competitive examination and certification of employees and officers.

(d) For certification to a permanent position by non-competitive examination for fitness of any officer or employee in the unclassified service whose position is hereafter brought within the classified service.

(e) Examination rating credits for United States military service in time of war.

(f) For exemption, where the Board of Supervisors deems it proper, of the County Administrative Officer, the Director of Planning, the Director of Personnel, the Hospital Administrator, any other department head, and positions where pre-

vious professional examination and certification is required under the State Law, such as doctors, lawyers and nurses.

(g) Provision for military service during time of war; reinstatement after honorable discharge of all officers and employees entering the United States military service in time of war.

(h) Such other matters as may be necessary to fulfill the provisions of this Section.

State of California }
County of Fresno } ss.

We, the undersigned, Floyd Olsen, Chairman of the Board of Supervisors of the County of Fresno, State of California, and J. L. Brown, County Clerk and ex-officio Clerk of the Board of Supervisors of said County of Fresno, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Fresno were duly submitted to the electors of said county at the the general election, to wit: the state Primary Election, held in said county on the 7th day of June, 1966; that such amendments are true and correct as submitted and ratified as aforesaid, 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 Fresno this 17th day of June, 1966.

(SEAL)

FLOYD OLSEN, Chairman of the Board of Supervisors of Fresno County, California

J. L. BROWN, County Clerk and ex-officio Clerk of the Board of Supervisors.

By CARL MELON, Deputy

Attest:
J. L. BROWN, County Clerk
of the County of Fresno
State of California
By H. L. MASINI, Deputy.

WHEREAS, said proposed amendments to the Charter of the County of Fresno, so ratified by a majority of the electors voting thereon at said general election held on June 7, 1966, 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 concurred therein, That said amendments to the Charter of the County of Fresno, as proposed by the Board of Supervisors of said County of Fresno and as ratified by the electors of the said County of Fresno, 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 Fresno.

CHAPTER 125

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 9.5 of Article XIII, relating to county tax appeals boards.

[Filed with Secretary of State July 6, 1966.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1966 First Extraordinary Session commencing on the 10th day of February 1966, 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 9.5 of Article XIII thereof, to read:

SEC. 9.5. (a) The board of supervisors of any county may by ordinance create assessment appeals boards for the county. When created and in existence assessment appeals boards shall constitute boards of equalization for their respective counties. Each board shall have the power to equalize the valuation of the taxable property in the county for the purpose of taxation in the manner provided for in Section 9 of this article. All general laws pertaining to county boards of equalization shall be applicable to county assessment appeals boards. The board of supervisors shall fix the compensation payable to members of assessment appeals boards, provide such clerical and other assistance as is necessary therefor and adopt such rules of notice and procedure for such boards as may be required to facilitate their work and to insure uniformity in the processing and decision of equalization petitions.

(b) The Legislature shall provide by law for:

(1) The number of assessment appeals boards, in excess of one, which may be created within any county and the number of members to serve on each such board.

(2) The qualifications of and manner of selection and appointment of persons to serve on such boards.

(3) The terms for which members shall serve, for their removal and for the procedure for the discontinuance of such boards in any county.

CHAPTER 126

Assembly Concurrent Resolution No. 74—Relative to the approval of those certain amendments to the Charter of the City of Riverside ratified by the qualified electors of said city at a special municipal election held thereon, consolidated with the direct primary election, on the seventh day of June, 1966.

[Filed with Secretary of State July 6, 1966.]

WHEREAS, Proceedings have been taken and had for the proposal adoption, and ratification of those certain amendments to the Charter of the City of Riverside, a municipal corporation of the County of Riverside, as hereinafter set forth in the certificate of the Mayor and the City Clerk of the City of Riverside as follows, to wit:

CERTIFICATE OF ADOPTION OF AMENDMENTS TO THE CHARTER OF THE CITY OF RIVERSIDE

(Amending Sections 404, 412, 702 and 705)

State of California }
County of Riverside } ss
City of Riverside }

We, the undersigned Ben H. Lewis, Mayor of the City of Riverside, State of California, and Virginia J. Strohecker, City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That at all times since the 21st day of April, 1953, the City of Riverside has been and now is a municipal corporation and city in the County of Riverside, State of California, containing a population of more than 3,500 inhabitants and organized and existing under a charter adopted pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California and approved by the Legislature by Assembly Concurrent Resolution No. 8, adopted in Assembly January 12, 1953, and in Senate January 15, 1953, and filed with the Secretary of State February 4, 1953.

That the legislative power of said City is vested in a City Council consisting of seven (7) members; and that the City Clerk of said City is ex-officio Clerk of the legislative body of said City.

There is no official newspaper of said City. The Press hereinafter mentioned is a daily newspaper of general circulation within said City and printed and published therein.

That at all times herein mentioned Ben H. Lewis has been and now is the duly elected, qualified and acting Mayor of said City of Riverside; and Virginia J. Strohecker has been and now is the duly appointed, qualified and acting City Clerk of said City.

That the City Council of said City on its own motion by Resolution No. 10494 adopted March 22, 1966, submitted to the electors of said City a proposal to amend its Charter as hereinafter mentioned, to be voted on as a measure at a special election to be held in said City on June 7, 1966. Said proposal is in words and figures as follows:

CITY OF RIVERSIDE—PROPOSED CHARTER AMENDMENT A.

Shall Section 402 of the Charter of the City of Riverside be amended to permit the city council to set the individual councilmen's salary by ordinance and requiring the filing of an itemized expense statement before councilmen are reimbursed for actual and necessary expenses incurred when on official duty?

That the City Council of said City on its own motion by Resolution No. 10495 adopted March 22, 1966, submitted to the electors of said City a proposal to amend its Charter as hereinafter mentioned, to be voted on as a measure at a special election to be held in said City on June 7, 1966. Said proposal is in words and figures as follows:

CITY OF RIVERSIDE—PROPOSED CHARTER AMENDMENT B.

Shall Section 402 of the Charter of the City of Riverside be amended to provide that city councilmen shall receive a fixed monthly salary based on the population of the city, with the amount to be set at $250 per month until the population reaches 150,000 and then increasing in $50 increments per 25,000 population increase until a maximum salary of $500 is reached, with additional reimbursement for actual and necessary expenses incurred when on official duty outside the city on presentation of itemized expense statements and with a fixed payment of $100 per month as reimbursement for expenses incurred within the city with no requirement for itemization of these expenses?

That the City Council of said City on its own motion by Resolution No. 10496 adopted March 22, 1966, submitted to the electors of said City a proposal to amend its Charter as hereinafter mentioned, to be voted on as a measure at a special election to be held in said City on June 7, 1966. Said proposal is in words and figures as follows:

CITY OF RIVERSIDE—PROPOSED CHARTER AMENDMENT C.

Shall Section 412 of the Charter of the City of Riverside be amended to provide that five affirmative votes instead of four shall be required in order to overcome a veto by the Mayor?

That the City Council of said City on its own motion by Resolution No. 10497 adopted March 22, 1966, submitted to the electors of said City a proposal to amend its Charter as

hereinafter mentioned, to be voted on as a measure at a special election to be held in said City on June 7, 1966. Said proposal is in words and figures as follows:

CITY OF RIVERSIDE—PROPOSED CHARTER AMENDMENT D.

Shall Sections 404, 702 and 705 of the Charter of the City of Riverside be amended to permit the Mayor to vote on the appointment or removal of members of the various boards and commissions of the City of Riverside?

That the City Council of said City on its own motion by Resolution No. 10498 adopted March 22, 1966, submitted to the electors of said City a proposal to amend its Charter as hereinafter mentioned, to be voted on as a measure at a special election to be held in said City on June 7, 1966. Said proposal is in words and figures as follows:

CITY OF RIVERSIDE—PROPOSED CHARTER AMENDMENT E.

Shall Sections 404, 702 and 705 of the Charter of the City of Riverside be amended to provide that the Mayor instead of the City Council shall appoint all members of the City's boards and commissions; said appointments shall be subject to ratification by the City Council?

That the City Council caused said proposed charter amendments to be published in The Press on May 3 and May 10, 1966; and in each edition thereof during said days; and also caused copies of such proposed charter amendments to be printed in convenient pamphlet form in type of not less than 10-point and mailed to each of the qualified electors of said City, and also caused a notice that copies of said proposed charter amendments could be had upon application at the office of the City Clerk of said City to be published in every edition of The Press during the period of time beginning April 26, 1966, through and including June 7, 1966.

That Sections 1000, 1001 and 1002 of the Charter of the City of Riverside provide as follows:

Section 1000. General Municipal Elections.

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each odd numbered year commencing with the year 1955.

Section 1001. Special Municipal Elections.

All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

A special municipal election shall be held for the election of the first Mayor and the first members of the City Council under this Charter on the tenth Tuesday following the approval of this Charter by the Legislature.

Section 1002. Procedure for Holding Elections.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter.

No other procedure has been provided.

That the City Council adopted Resolutions No. 10494, 10495, 10496, 10497 and 10498 on March 22, 1966, ordering, providing for and giving notice of the Special Election to be held in said City on June 7, 1966, and calling for the consolidation of said election with the Direct Primary Election to be held on the same date; and the City Clerk duly published notice of election, which included said charter amendments as measures, in The Press on May 3 and May 10, 1966.

That the said Special Municipal Election was consolidated with and said election was duly held on Tuesday, June 7, 1966, and the voters voted on said measures to amend the Charter. On Monday, June 20, 1966, the Board of Supervisors of the County of Riverside met in regular session, at its regular place of meeting, and canvassed the returns of said election and canvassed the absent voter ballots. It was found and determined that the voters voting on said measures at said election cast votes as follows:

	YES	NO
Proposed Charter Amendment A	11,179	19,753
Proposed Charter Amendment B	11,045	19,864
Proposed Charter Amendment C	21,389	9,650
Proposed Charter Amendment D	16,651	13,791
Proposed Charter Amendment E	15,593	15,010

That said proposed Charter Amendments A and B failed to receive a majority of the votes cast on each amendment and said amendments failed to pass.

That proposed Charter Amendment C received a majority of the votes cast and hence Charter Amendment C was ratified by the vote of a majority of the electors who voted on said measure.

That proposed Charter Amendments D and E were alternate amendments to amend the same charter section and that both amendments received a majority of the votes cast on each amendment. That Proposed Charter Amendment D received the largest number of affirmative votes on this alternate proposition and hence, pursuant to Article XI, Section 8, paragraph

J of the Constitution of the State of California, said alternate Proposed Charter Amendment D is ratified and Proposed Charter Amendment E is not adopted.

That the City Council thereupon on June 21, 1966, adopted Resolution No. 10566 reciting the fact of said election and the matters enumerated in the Elections Code and the City Clerk thereupon entered upon the records of the City Council a statement of the result of such election.

That the amendments to the Charter so proposed and ratified are in words and figures as follows:

With respect to Proposed Charter Amendment C:

Section 412.

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 afrer the date upon which such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

Unless a higher vote is required by other provisions of this Charter, the affirmative votes of at least four members of the City Council shall be required for the adoption of any ordinance or resolution, or for the making or approving of any order for the payment of money. No order for the payment of money shall be adopted or made at any other than a regular or adjourned regular meeting.

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

At any time before the adjournment of a meeting, the Mayor may, by public declaration spread upon the minutes of the meeting, request the reconsideration of any formal action taken by vote of the City Council including any ordinance or resolution, except an emergency ordinance or an ordinance proposed by initiative petition. Thereupon, pending reconsideration as herein provided, such ordinance, resolution or action shall be deemed neither approved, adopted nor rejected. At any regular or adjourned meeting held not less than thirty

days, nor more than sixty days after such request for reconsideration, the City Council shall reconsider such ordinance, resolution or action and vote upon the same anew. Five affirmative votes shall be required for its adoption or approval. The Mayor shall have no right to request a second reconsideration of any ordinance, resolution or action.

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

With respect to Proposed Charter Amendment D:

Section 404. Duties of mayor; mayor pro tem.

The mayor shall be the presiding officer at all meetings of the city council and shall have a voice in all its proceedings but shall not vote except on the appointment or removal of members of the various boards and commissions. 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 of informing the people of any major change in policy or program. He shall advise the city council on all matters of policy and public relations and perform such other duties as may be prescribed by this Charter.

The city council shall designate one of its members as mayor pro tempore, who shall serve in such capacity at the pleasure of the city council. In addition to his regular duties as councilman, the mayor pro tempore shall perform the duties of the mayor during his absence or disability.

Section 702. Appointments; terms.

The members of each of such boards or commissions shall be appointed by the mayor and 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 the mayor and city council by a motion adopted by at least five 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 succeeding 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 paring 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 705. Compensation; vacancies.

The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the city council.

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

We do further certify that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Riverside and its City Council and City Clerk in the matter of submitting the proposals to amend the City Charter and in calling, noticing and conducting the election and certifying the canvass of the returns and declaring the results thereof.

In witness whereof we have hereunto set our hands and affixed the seal of the City of Riverside this 21st day of June, 1966.

(SEAL)

BEN H. LEWIS
Mayor of the City of Riverside
Attest
VIRGINIA J. STROHECKER
City Clerk of the City of
Riverside

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 Riverside 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 an amendment to and as part of the City of Riverside.

CHAPTER 127

Assembly Concurrent Resolution No. 61—Relative to salaries of state correctional officers and group supervisors.

[Filed with Secretary of State July 6, 1966.]

WHEREAS, Salaries of state correctional officers and group supervisors are reported to be lagging behind the average salaries of persons performing comparable duties for counties and the federal government; and

WHEREAS, One of the major causes of the low salaries of state correctional officers and group supervisors is that their salaries have been tied historically to the salaries of other institutional employee groups which do not perform comparable duties; and

WHEREAS, Low salaries have created problems in recruiting qualified personnel to work as state correctional officers and group supervisors, as the salaries for these positions have not kept pace with the increase in the functions and duties and requisite knowledge and skills which these positions demand; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Personnel Board is requested to give high priority to consideration of the adjustment of the salaries of state correctional officers and group supervisors and to give particular emphasis to the relationship which has historically tied the salaries of these persons with the salaries of other state institutional employees; and be it further

Resolved, That the Chief Clerk of the Assembly is requested to send a copy of this resolution to each member of the State Personnel Board.

CHAPTER 128

Assembly Concurrent Resolution No. 75—Approving amendments 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 seventh day of June, 1966.

[Filed with Secretary of State July 6, 1966.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of amendments, 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, Al C. Ballard, 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 Special Municipal Election consolidated with the Direct Primary Election held within said City on the 7th day of June, 1966, certain proposed amendments to the City Charter of said City.

Said proposed amendments were 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 26th day of April, 1966, 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 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 7th day of June, 1966, 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 I, Section 3 of the Charter of the City of San Bernardino is amended to read as follows:

Section 3. The Mayor and Common Council by ordinance shall divide the area of the City into seven (7) wards of approximately equal population and thereafter shall periodically change the boundaries of the wards to maintain them in compact form and as nearly equal in population as possible, provided that such changes shall not be made more than once in any two (2) year period nor within ninety (90) days of any general municipal election.

Article II, Section 10 of the Charter of the City of San Bernardino is amended to read as follows:

Section 10. A primary election shall be held in said City on the first Tuesday in February of each odd numbered year, for the nomination of candidates to be elected at the ensuing general election, and a general election shall be held in said City on the second Tuesday in April of each odd numbered year, for the election of City Officers. Said election shall be conducted in the manner provided for by general law; provided, however, that the Mayor and Common Council shall have power, by ordinance, to provide for the manner of holding such election.

In the event any amendment of this Charter involving an election is ratified by the electorate and its approval by the Legislature is not reasonably anticipated to occur before the ninety (90) day period preceding such election, the Mayor and Common Council by ordinance may authorize the necessary election process and procedures to commence, change and establish the boundaries of existing and future wards and authorize related acts in preparation for the election; and such ordinance or acts will be effective and operative retrospectively, cured, ratified and validated, provided the approval of such amendment by the Legislature occurs before said election.

Article II, Section 13 of the Charter of the City of San Bernardino is amended to read as follows:

Section 13. There shall be elected at the general election in 1969 and every fourth year thereafter, three members of the Common Council, one each from the First, Second and Fourth Wards, who shall be residents of and elected by the qualified electors of their respective wards for terms of four years commencing on the second Monday in May next succeeding their elections.

Article II, Section 14 of the Charter of the City of San Bernardino is amended to read as follows:

Section 14. There shall be elected at the general election in 1967, and every fourth year thereafter, four members of the Common Council, one each from the Third, Fifth, Sixth and Seventh Wards, who shall be residents of and elected by the qualified electors of their respective wards, a City Attorney, City Clerk, and City Treasurer elected at large, who

shall hold office for terms of four years from and after the second Monday in May next succeeding their elections.

There shall be elected at the general election in 1967 and every second year thereafter a Mayor who shall be elected at large for a term of two years commencing on the second Monday in May next succeeding his election.

Article III, Section 30 of the Charter of the City of San Bernardino is amended to read as follows:

Section 30. The legislative power of the City is hereby vested in the Common Council consisting of seven members, four of whom shall constitute a quorum, but a less number may adjourn from time to time, or compel the attendance of other members. No order, except to adjourn for a lack of a quorum, or to compel the attendance of a quorum, and no ordinance or resolution shall be valid unless it receives the affirmative vote of four councilmen.

Article III, Section 31 of the Charter of the City of San Bernardino is amended to read as follows:

Section 31. Except for emergency or urgency ordinances, no ordinance may be adopted by the Common Council on the day of its introduction, nor within five days thereafter, nor except at a regular or adjourned regular meeting. At the time of adoption of an ordinance or resolution it shall be read in full unless, except for its title, the reading thereof is waived by unanimous consent of all council members present. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors), it shall not be adopted except at a regular or adjourned regular meeting held not less than five days after the date of such alteration. Ordinances and codes may be adopted by reference in accordance with general law.

Emergency or urgency ordinances and each resolution may be adopted on the day of introduction and may take effect upon adoption; provided, however, that this section is not intended, nor shall it be deemed to affect the method of adopting special ordinances and resolutions as required by municipal improvement acts, laws relating to elections, taxation, and annexations, or other provisions of the law prescribing the time, form and manner for the adoption of ordinances and resolutions in special cases.

No order, resolution or ordinance shall have effect without approval of the Mayor, except when five members of the Common Council concur in its adoption. In case or orders, the approval of the Mayor shall be presumed unless at the same meeting at which the order is passed, the Mayor causes his disapproval, with his reasons therefor, to be spread upon the minutes. All resolutions and ordinances after passage must be submitted to the Mayor who shall, within five days after he has received the same, endorse his approval or disapproval thereon, giving the reasons for his disapproval. Each ordinance or resolution to be valid must be passed by a vote of not less than four councilmen and approved by the Mayor, provided that if

the Mayor fails to approve the same it may be passed by a vote of not less than five councilmen, and shall take effect as if approved by the Mayor.

Article VIII, Section 136 of the Charter of the City of San Bernardino is amended to read as follows:

Section 136. After allowance by the Common Council, the City Clerk shall present such claim or demand to the Mayor, who, within five days thereafter, shall endorse thereon or annex thereto his approval, or disapproval, and return it to the City Clerk. The Mayor may approve a claim in part, but when a claim is disapproved in whole, or in part, the reasons of the Mayor must be given in full. The Common Council by the affirmative vote of five of its members may allow a claim, or such portion of a claim, that the Mayor has disapproved, but not otherwise.

Article IX, Section 160 of the Charter of the City of San Bernardino is amended to read as follows:

Section 160. There is hereby created a commission consisting of three members, to be known as the Board of Water Commissioners. Members of such board shall be appointed by the Mayor, subject to the confirmation of the Common Council. The term of office of each of such Commissioners shall be six years; provided, however, that on or after twelve o'clock noon on the second Monday in May, 1935, one member of the Board of Water Commissioners shall then be appointed for a term of six years; that on or after twelve o'clock noon on the second Monday of May, 1937, one member of such Board of Water Commissioners shall be appointed for a term of two years, and one member shall be appointed for a term of six years; and thereafter, on or after twelve o'clock noon on the second Monday of May of each odd numbered year one member of the Board of Water Commissioners shall be appointed for a term of six years. Any member of the Board of Water Commissioners may be removed at any time by the affirmative vote of five councilmen, and upon any such removal, the vacancy shall be filled by the Mayor, with the consent of the Common Council, for the unexpired term. No person shall be eligible to appointment as a member of said Board unless he shall have been a qualified elector of said City for the period of five years next preceding the date of his appointment.

Article XII-A, Section 215 of the Charter of the City of San Bernardino is amended to read as follows:

Section 215. Said Commissioners so first appointed shall determine by lot the term of their respective office so that said original terms will expire as heretofore specified in Section 213. Thereafter, the Commissioners shall hold office for a period of six years and until their successors have been appointed and qualified. Any member of said Park Commission may be removed at any time by the affirmative vote of five Councilmen, and upon any such removal the vacancy shall be filled by the Mayor, subject to the confirmation of the Common Council, for the unexpired term.

Article XII-A, Section 219 of the Charter of the City of San Bernardino is amended to read as follows:

Section 219. Any person dissatisfied with a decision or ruling of the Park Commission may appeal to the Common Council, and said council by an affirmative vote of five members may reverse or modify said decision or ruling.

Article IV, Section 53 of the Charter of the City of San Bernardino is repealed.

Article X, Section 182 of the Charter of the City of San Bernardino is amended to read as follows:

Section 182. The Mayor shall appoint a Chief of Police, subject to the approval of the Common Council. The Chief of Police shall have the powers and duties that are now or that may hereafter be conferred upon chiefs of police by the laws of the state, and such powers and duties shall in all respects be promptly executed by police officers and authorized personnel in the Police Department. The Chief of Police shall enforce the laws of the state and the ordinances of said city, and shall arrest all persons guilty of violations of the same. He shall also have charge of the city prison, if one is in existence, of all prisoners and of all those who are sentenced to labor upon the public streets, public works or other places of said city and shall execute and enforce all orders and sentences in reference thereto; and shall perform such other duties as may be prescribed by the Mayor and Common Council.

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 San Bernardino to be attached on this 28th day of June, 1966.

(SEAL)

AL C. BALLARD
Mayor of the City of San Bernardino, California
JACK T. FELTON
City Clerk of the City of San Bernardino, California

and

WHEREAS, Said amendments 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, Ar-

ticle 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 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 amendments and as part of the said Charter of the City of San Bernardino.

CHAPTER 129

Assembly Concurrent Resolution No. 76—Relative to congratulating Miss California, Charlene Diane Dallas.

[Filed with Secretary of State July 6, 1966]

WHEREAS, The Members of the Legislature have learned that Miss Contra Costa County, Charlene Diane Dallas of Danville, was awarded the coveted title of Miss California at the Miss California beauty pageant in Santa Cruz on June 25, 1966; and

WHEREAS, Miss Dallas is 19 years old and is the daughter of Mr. and Mrs. Charles Dallas; and

WHEREAS, She is a graduate of California State at Hayward and is a student at the College of Arts and Crafts in Oakland; and

WHEREAS, Miss Dallas is a striking brunette beauty, weighs 118 pounds and is five-foot six; and

WHEREAS, Together with the crown and title of Miss California, Charlene has won a $1,000 scholarship and $2,500 in clothes and gifts and will make numerous personal appearances during the next year; and

WHEREAS, She will represent the state in the Miss America pageant in Atlantic City; and

WHEREAS, Californians everywhere are proud of Miss Dallas' triumph at Santa Cruz and feel that she is an outstanding representative of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature heartily congratulate Charlene Diane Dallas upon winning the Miss California title and commend her for her perfect poise, and extend to her best wishes in the Miss America pageant; and be it further

Resolved, That the Chief Clerk of the Assembly shall transmit a suitably prepared copy of this resolution to Charlene Diane Dallas.

CHAPTER 130

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 2.8 of Article XIII thereof, relating to property taxation.

[Filed with Secretary of State July 7, 1966.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1966 First Extraordinary Session commencing on the 10th day of February, 1966, 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 2.8 of Article XIII thereof, to read:

SEC. 2.8 The Legislature shall have the power to authorize local taxing agencies to provide for the assessment or reassessment of taxable property where after the lien date for a given tax year taxable property is damaged or destroyed by a major misfortune or calamity and the damaged or destroyed property is located in an area or region which was subsequently proclaimed by the Governor to be in a state of disaster.

CHAPTER 131

Assembly Concurrent Resolution No. 55—Relative to developing a fiscal program for replacing revenues lost from exempting household effects, business inventories and solvent credits from the local personal property tax base.

[Filed with Secretary of State July 7, 1966.]

WHEREAS, Legislative and other tax studies have recognized numerous problems relating to the assessment and taxation of personal property in California; and,

WHEREAS, Taxes on all types of personal property provide a major source of revenue to cities, city and county, counties and school and special districts and the need for such revenues is clearly apparent and thus a carefully designed program of revenue sources is required to insure the solvency of these local units and equity in the distribution of their tax burdens, and;

WHEREAS, To accomplish property tax reform in 1967, it is necessary that a program or alternative programs of taxation be developed and such information be made available to the Legislature and the general public; and

WHEREAS, The development of such proposed revenue replacement program or programs will require the availability and participation of technical and other staff of the Legis-

lature, state administrative agencies, local governments, and private organizations and associations; now, therefore, be it

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

1. A Joint Special Technical Advisory Committee for Personal Property Tax Reform is hereby created and authorized to serve as an advisory staff to the staffs of the Assembly Interim Committee on Revenue and Taxation and the Senate Interim Committee on Revenue and Taxation in the development of recommendations for a program or alternative programs to provide replacement revenues to local governments if household effects, business inventories, and solvent credits are removed from the local personal property tax base

2. The committee shall consist of persons knowledgeable in the field of taxation, governmental finance, and other fields pertinent to this study and are to be appointed from both governmental and private organizations and associations.

3. The Joint Special Technical Advisory Committee shall consist of 20 members of whom 10 shall be appointed by the Speaker of the Assembly and 10 by the Chairman of the Senate Fact Finding Committee on Revenue and Taxation

4. The committee shall file a final report of findings and recommendations with the Assembly Interim Committee on Revenue and Taxation and the Senate Fact Finding Committee on Revenue and Taxation prior to the first legislative day of the 1967 Regular Session of the Legislature

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CHAPTER 132

Senate Concurrent Resolution No. 47—Relative to final adjournment of the 1966 First Extraordinary Session of the Legislature.

[Filed with Secretary of State July 12, 1966]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1966 First Extraordinary Session of the Legislature of the State of California shall adjourn sine die at 5 p.m. on the seventh day of July, 1966.

CHAPTER 133

Assembly Concurrent Resolution No 64—Relative to the California State Exposition and Fair.

[Filed with Secretary of State July 13, 1966]

WHEREAS, It has come to the attention of the Legislature that the California State Exposition and Fair Executive Com-

mittee proposes a new program for the livestock exhibit area at the new fairgrounds; and

WHEREAS, This proposal may result in the splitting of the 4H and Future Farmers of America shows; and

WHEREAS, It is further proposed to hold the 4H livestock and the Future Farmers of America livestock shows at a time other than during the State Fair; and

WHEREAS, These new dates may conflict with other fairs thus depriving the contestants of either entering their local fair or missing the State Fair; and

WHEREAS, The youth of our state deserve the opportunity to show their animals at both their local fairs and the State Fair; and

WHEREAS, The existing system has worked very well in the past and has contributed to a great extent in making California the number one agricultural state in the nation; and

WHEREAS, Since California is the number one agricultural producing state and agriculture is still the largest industry in California, obstacles should not be placed in the way of the junior or other agriculture exhibitors who have contributed greatly to the progress of agriculture in California and sufficient space should be provided to accommodate these exhibitors at the State Fair at the new fairgrounds; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California State Exposition and Fair Executive Committee is hereby requested to allocate sufficient livestock exhibit area at the new fairgrounds for livestock exhibits by the Future Farmers of America and 4H exhibitors at the State Fair Complex which by mutual agreement provide adequate and acceptable programs; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the California State Exposition and Fair Executive Committee.

CHAPTER 134

Assembly Concurrent Resolution No. 69—Relative to veterans' farm and home purchases.

[Filed with Secretary of State July 13, 1966]

WHEREAS, The Department of Veterans Affairs in administering the Veterans' Farm and Home Purchase Program has established a policy of limiting to four years the period in which a veteran may continue under the program without his family actually being in residence on the subject property; and

WHEREAS, This exercise of administrative discretion is consistent with the law which does not set any precise limit on the period or conditions under which the contract may be

continued without personal occupancy of the property by the veteran or his family; and

WHEREAS, The current military situation in Vietnam is of uncertain duration and has already caused a considerable impact on military personnel in all areas and has substantially influenced commitments to remain in the service; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests that during the continuation of the Vietnam situation the Department of Veterans Affairs exercise in the most liberal manner possible, consistent with the law, their discretion in the administration of the Veterans' Farm and Home Purchase Program, particularly in respect to the application of contract terms in situations where the veteran's inability to meet the obligation of personal residence is occasioned by current military obligations; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to the Director of Veterans Affairs.

CHAPTER 135

Assembly Concurrent Resolution No. 77—Relative to turn signal lamps on implements of husbandry.

[Filed with Secretary of State July 13, 1966.]

WHEREAS, The Legislature, in 1965, amended Section 22110 of the Vehicle Code to eliminate the authorization for the use of mechanical turn signal devices on vehicles; and

WHEREAS, This was the sole intention of the Legislature in amending Section 22110, and it was not the intention of the Legislature to extend the operation of the section to vehicles theretofore not subject to the section; and

WHEREAS, In a recent opinion, the Attorney General has construed Section 22110, as amended, to require that implements of husbandry be equipped with turn signal lamps; and

WHEREAS, Such a construction would impose an undue burden on farmers if they are required to install signal lamps on all of their vehicles; and

WHEREAS, It was not the intention of the Legislature to impose such a requirement on farmers, and the section should not be construed to have such an effect; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby declares that it was not its intention to require that implements of husbandry be equipped with turn signal lamps, and that the law should not be so construed; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Commissioner of the Highway Patrol.

CHAPTER 136

Assembly Joint Resolution No. 28—Relative to Monterey Bay and surrounding ocean waters.

[Filed with Secretary of State July 13, 1966.]

WHEREAS, There is an imminent danger of Monterey Bay and the surrounding ocean waters becoming seriously polluted by local and outside sources of contamination and pollution; 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 memorialized to initiate a study of the oceanography of Monterey Bay and the surrounding ocean waters in relation to the pollution thereof, 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 137

Assembly Joint Resolution No. 29—Relative to the San Felipe Division of the Central Valley Project.

[Filed with Secretary of State July 13, 1966.]

WHEREAS, It is the purpose of the San Felipe Division, Central Valley Project, California, 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; and

WHEREAS, There exists at present in said service area a drastic shortage of underground water; 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 expedite authorization of the San Felipe Division, Central Valley Project, California; 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, 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 138

Assembly Joint Resolution No. 30—Relative to a federal study of abnormal earth and water movements in the Pacific Palisades area of Los Angeles County.

[Filed with Secretary of State July 13, 1966]

WHEREAS, Alphonzo Bell, Representative to Congress from the 28th Congressional District of California, has introduced United States House of Representatives Bill No. 15755, 89th Congress, 2nd Session; and

WHEREAS, This bill proposes that Congress authorize the Secretary of the Army, acting through the Chief of Engineers, to undertake a study of landslides, soil erosion, surface and subsurface drainage condition, flood control and seismic disturbance in the Pacific Palisades area of Los Angeles County; and

WHEREAS, The proposed study would be conducted in cooperation with the United States Geological Survey and the Department of Interior; and

WHEREAS, It is imperative that measures be taken to alleviate this critical problem affecting many of the citizens of Los Angeles; 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 endorses the study proposed by United States House of Representatives Bill No. 15755, 89th Congress, 2nd Session, and memorializes the President and the Congress of the United States to enact this bill substantially as introduced by Congressman Alphonzo Bell; 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 139

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California a revision of portions of the Constitution of the state by repealing Articles III, V, VI, VII, and VIII, by repealing Sections 1, 1b, 1c, 1d, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22a, 23, 23a, 23b, 24, 25, 25a, 25½, 25.7, 26, 28, 32, 33, 34, 34a, 35, 36, 37, 38, of Article IV, by amending and renumbering Sections 1a, 22, 25⅝, 29, 30, 31, 31a, 31b, 31c, of Article IV, by amending the heading of Article IV, and adding Articles III, V, and VI, and by adding Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 28 to Article IV, and by adding Section 29 to Article XIII, and by adding Sections 4, 5, 6 and 7 to Article XXII, relating to government of the State of California.

[Filed with Secretary of State July 18, 1966.]

WHEREAS, The Legislature, in considering a proposal to revise the provisions of the Constitution which relate to the separation of the legislative, executive, and judicial departments, finds it necessary to propose, in a single measure, a revision of Articles III, V, and VI, and a revision of a portion of Article IV, in order to accomplish an orderly and coherent treatment of the constitutional provisions which define the lines of separation; now, therefore, be it

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1966 First Extraordinary Session commencing on the 10th day of February, 1966, 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 portions of the Constitution of the state be revised as follows:

First, that Article III of the Constitution of the state is repealed.

Second, That Article III is added, to read:

ARTICLE III

SEPARATION OF POWERS

The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution.

Second and One-half, That the heading of Article IV is amended to read:

LEGISLATIVE

Third, That Section 1 of Article IV is repealed.

Fourth, That Section 1a of Article IV is amended and renumbered to be Section 20 of Article XIII, to read:

SEC. 20. Notwithstanding any limitations or restrictions in this Constitution contained, every state office, department, institution, board, commission, bureau, or other agency of the State, whether created by initiative law or otherwise, shall be subject to the regulations and requirements with respect to the filing of claims with the State Controller and the submission, approval and enforcement of budgets prescribed by law.

Fifth, That Section 1b of Article IV is repealed.

Sixth, That Section 1c of Article IV is repealed.

Seventh, That Section 1d of Article IV is repealed.

Eighth, That Section 2 of Article IV is repealed.

Ninth, That Section 3 of Article IV is repealed.

Tenth, That Section 4 of Article IV is repealed.

Eleventh, That Section 5 of Article IV is repealed.

Twelfth, That Section 7 of Article IV is repealed.

Thirteenth, That Section 8 of Article IV is repealed.

Fourteenth, That Section 9 of Article IV is repealed.

Fifteenth, That Section 10 of Article IV is repealed.

Sixteenth, That Section 11 of Article IV is repealed.

Seventeenth, That Section 12 of Article IV is repealed.

Eighteenth, That Section 13 of Article IV is repealed.

Nineteenth, That Section 14 of Article IV is repealed.

Twentieth, That Section 15 of Article IV is repealed.

Twenty-first, That Section 16 of Article IV is repealed.

Twenty-second, That Section 17 of Article IV is repealed.

Twenty-third, That Section 18 of Article IV is repealed.

Twenty-fourth, That Section 19 of Article IV is repealed.

Twenty-fifth, That Section 20 of Article IV is repealed.

Twenty-sixth, That Section 21 of Article IV is repealed.

Twenty-seventh, That Section 22 of Article IV is amended and renumbered to be Section 21 of Article XIII, to read:

SEC. 21. No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller. No money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any grant or donation of property ever be made thereto by the State, except that notwithstanding anything contained in this or any other section of the Constitution:

(1) Whenever federal funds are made available for the construction of hospital facilities by public agencies and non-

profit corporations organized to construct and maintain such facilities, nothing in this Constitution shall prevent the Legislature from making state money available for that purpose, or from authorizing the use of such money for the construction of hospital facilities by nonprofit corporations organized to construct and maintain such facilities.

(2) The Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions

(3) The Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, and no person concerned with the administration of aid to needy blind persons shall dictate how any applicant or recipient shall expend such aid granted him, and all money paid to a recipient of such aid shall be intended to help him meet his individual needs and is not for the benefit of any other person, and such aid when granted shall not be construed as income to any person other than the blind recipient of such aid, and the State Department of Social Welfare shall take all necessary action to enforce the provisions relating to aid to needy blind persons as heretofore stated.

(4) The Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State.

(5) The State shall have at any time the right to inquire into the management of such institutions.

(6) Whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control.

An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

Twenty-eighth, That Section 22a of Article IV is repealed.

Twenty-ninth, That Section 23 of Article IV is repealed.

Thirtieth, That Section 23a of Article IV is repealed.

Thirtieth and one-half, That Section 23b of Article IV is repealed.

Thirty-first, That Section 24 of Article IV is repealed.

Thirty-second, That Section 25 of Article IV is repealed.

Thirty-third, That Section 25a of Article IV is repealed.

Thirty-fourth, That Section 25½ of Article IV is repealed.

Thirty-fifth, That Section 25⅝ of Article IV is amended and renumbered to be Section 22 of Article XIII, to read:

SEC. 22. All money collected under the provision of any law of this State relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans and all fines and forfeitures imposed by any court for the violation of any such law shall be used and expended exclusively for the protection, conservation, propagation, and preservation of fish, game, mollusks, or crustaceans and for the administration and enforcement of laws relating thereto. The Legislature may provide for the division of money derived from such fines and forfeitures.

Thirty-sixth, That Section 25.7 of Article IV is repealed.

Thirty-seventh, That Section 26 of Article IV is repealed.

Thirty-eighth, That Section 28 of Article IV is repealed.

Thirty-ninth, That Section 29 of Article IV is amended and renumbered to be Section 23 of Article XIII, to read:

SEC. 23. The Legislature may provide that any money belonging to the State in the control of any State agency or department or collected under the authority of this State from any source whatever other than money in the control of or collected by the Regents of The University of California shall be held in trust by the State Treasurer prior to its deposit in the State Treasury by the State agency or department as may be required by law. Any money held in trust may be disbursed by the State Treasurer upon the order of the State agency or department in the manner permitted by law and money held in trust may be deposited in banks to the same extent that money in the State Treasury may be deposited in banks.

Fortieth, That Section 30 of Article IV is amended and renumbered to be Section 24 of Article XIII, to read:

SEC. 24. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the

state, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 21 of this article.

Forty-first, That Section 31 of Article IV is amended and renumbered to be Section 25 of Article XIII, to read:

SEC. 25. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; *provided,* that nothing in this section shall prevent the Legislature granting aid pursuant to Section 21 of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; *provided, further,* that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; *provided, further,* that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Provided, further, that nothing contained in this Constitution shall prohibit the use of State money or credit, in aiding veterans who served in the military or naval service of the United States during the time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools, to be used by the veteran in pursuing a gainful occupation.

And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and it shall be his duty to make such temporary transfers from the funds

in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in his custody and are paid out solely through his office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 percent of the taxes accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

Forty-second, That Section 31a of Article IV is amended and renumbered to be Section 26 of Article XIII, to read:

SEC. 26. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide by general law, from public moneys or funds, for the indemnification of the owners of live stock taken, slaughtered or otherwise disposed of pursuant to law to prevent the spread of a contagious or infectious disease; *provided*, the amount paid in any case for such animal or animals shall not exceed the value of such animal or animals.

Forty-third, That Section 31b of Article IV is amended and renumbered to be Section 27 of Article XIII, to read:

SEC. 27. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide that the lien of every tax, whether heretofore or hereafter attaching, shall cease to exist for all purposes after 30 years from the time such tax became a lien, or to provide that every tax whether heretofore or hereafter levied shall be conclusively presumed to have been paid after thirty years from the time the same became a lien unless the property subject thereto has been sold in the manner provided by law for the payment of said tax.

Forty-fourth, That Section 31c of Article IV is amended and renumbered to be Section 28 of Article XIII, to read:

SEC. 28. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide by general law for the refunding, repayment or adjustment, from public funds raised or appropriated by the United States, the State or any city, city and county, or county for street and highway improvement purposes, of assessments or bonds, or any portion thereof, which have become a lien upon real property, and which were levied or issued to pay the cost of street or highway improvements or of opening and widening proceedings which may be or may have become of more than local benefit. Any such acts of the Legislature heretofore adopted are hereby confirmed and declared valid

and shall have the same force and effect as if adopted after the effective date of this amendment.

Forty-fifth, That Section 32 of Article IV is repealed.

Forty-sixth, That Section 33 of Article IV is repealed.

Forty-seventh, That Section 34 of Article IV is repealed.

Forty-eighth, That Section 34a of Article IV is repealed.

Forty-ninth, That Section 35 of Article IV is repealed.

Fiftieth, That Section 36 of Article IV is repealed.

Fifty-first, That Section 37 of Article IV is repealed.

Fifty-second, That Section 38 of Article IV is repealed.

Fifty-third, That Section 1 is added to Article IV, to read:

SEC. 1. The legislative power of this State is vested in the California Legislature which consists of the Senate and Assembly, but the people reserve to themselves the powers of initiative and referendum.

Fifty-fourth, That Section 2 is added to Article IV, to read:

SEC. 2. (a) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every 2 years. The Assembly has a membership of 80 Assemblymen elected for 2-year terms.

(b) Election of Assemblymen shall be on the first Tuesday after the first Monday in November of even-numbered years unless otherwise prescribed by the Legislature. Senators shall be elected at the same time and places as Assemblymen.

(c) A person is ineligible to be a member of the Legislature unless he is an elector and has been a resident of his district for one year, and a citizen of the United States and a resident of California for 3 years, immediately preceding his election.

(d) When a vacancy occurs in the Legislature the Governor immediately shall call an election to fill the vacancy.

Fifty-fifth, That Section 3 is added to Article IV, to read:

SEC. 3. (a) The Legislature shall meet annually in regular session at noon on the Monday after January 1. A measure introduced at any session may not be deemed pending before the Legislature at any other session.

(b) On extraordinary occasions the Governor by proclamation may convene the Legislature in special session. When so convened it has power to legislate only on subjects specified in the proclamation but may provide for expenses and other matters incidental to the session.

Fifty-sixth, That Section 4 is added to Article IV, to read:

SEC. 4. Compensation of members of the Legislature, and reimbursement for travel and living expenses in connection with their official duties, shall be prescribed by statute passed by rollcall vote entered in the journal, two thirds of the membership of each house concurring. Commencing with 1967, in any statute enacted making an adjustment of the annual compensation of a member of the Legislature, the adjustment may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. Any adjustment in the compensation may not apply until the commence-

ment of the regular session commencing after the next general election following enactment of the statute.

The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of 500 dollars paid to any member of the Legislature unless the member receives the greater amount while serving as a member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to members of the Legislature who serve during or after the term commencing in 1967.

When computing the retirement allowance of a member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the member, except that the Legislature may provide that no member shall be deprived of a cost of living adjustment based on a monthly salary of 500 dollars which has accrued prior to the commencement of the 1967 Regular Session of the Legislature.

Fifty-seventh, That Section 5 is added to Article IV, to read:

SEC. 5. Each house shall judge the qualifications and elections of its members and, by rollcall vote entered in the journal, two thirds of the membership concurring, may expel a member.

The Legislature shall enact laws to prohibit members of the Legislature from engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities; provided that the people reserve to themselves the power to implement this requirement pursuant to Section 22 of this article.

Fifty-eighth, That Section 7 is added to Article IV, to read:

SEC. 7. (a) Each house shall choose its officers and adopt rules for its proceedings A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) The proceedings of each house shall be public except on occasions that in the opinion of the house require secrecy.

(d) Neither house without the consent of the other may recess for more than 3 days or to any other place.

Fifty-ninth, That Section 8 is added to Article IV, to read:

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote

entered in the journal, two thirds of the membership concurring. No bill may be passed until the bill with amendments has been printed and distributed to the members. No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) No statute may go into effect until the 91st day after adjournment of the session at which the bill was passed, except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

Sixtieth, That Section 9 is added to Article IV, to read:

SEC. 9. A statute shall embrace but one subject, which shall be expressed in its title. If a statute embraces a subject not expressed in its title, only the part not expressed is void. A statute may not be amended by reference to its title. A section of a statute may not be amended unless the section is re-enacted as amended.

Sixty-first, That Section 10 is added to Article IV, to read:

SEC. 10. (a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if he signs it. He may veto it by returning it with his objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two thirds of the membership concurring, it becomes a statute. A bill presented to the Governor that is not returned within 12 days, becomes a statute unless the Legislature by adjournment of the session prevents the return. It does not then become a statute unless the Governor signs the bill and deposits it in the office of the Secretary of State within 35 days after adjournment.

(b) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. He shall append to the bill a statement of the items reduced or eliminated with the reasons for his action. If the Legislature is in session, the Governor shall transmit to the house originating the bill a copy of his statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills.

Sixty-second, That Section 11 is added to Article IV, to read:

SEC. 11. The Legislature or either house may by resolution provide for the selection of committees necessary for the

conduct of its business, including committees to ascertain facts and make recommendations to the Legislature on a subject within the scope of legislative control. Committees may be authorized to act during sessions or after adjournment of a session.

Sixty-third, That Section 12 is added to Article IV, to read:

SEC. 12. (a) Within the first 30 days of each regular session, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements of recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, he shall recommend the sources from which the additional revenues should be provided.

(b) The Governor and the Governor-elect may require a state agency, officer or employee to furnish him whatever information he deems necessary to prepare the budget.

(c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the chairmen of the committees that consider appropriations. Until the budget bill has been enacted, neither house may pass any other appropriation bill, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

(d) No bill except the budget bill may contain more than one item of appropriation, and that for one certain, expressed purpose. Appropriations from the general fund of the State, except appropriations for the public schools, are void unless passed in each house by rollcall vote entered in the journal, two thirds of the membership concurring.

Sixty-fourth, That Section 13 is added to Article IV, to read:

SEC. 13. A member of the Legislature may not, during the term for which he is elected, hold any office or employment under the State other than an elective office.

Sixty-fifth, That Section 14 is added to Article IV, to read:

SEC. 14. A member of the Legislature is not subject to civil process during a session of the Legislature or for 5 days before and after a session.

Sixty-sixth, That Section 15 is added to Article IV, to read:

SEC. 15. A person who seeks to influence the vote or action of a member of the Legislature in his legislative capacity by bribery, promise of reward, intimidation, or other dishonest means, or a member of the Legislature so influenced, is guilty of a felony.

Sixty-seventh, That Section 16 is added to Article IV, to read:

SEC. 16. A local or special statute is invalid in any case if a general statute can be made applicable.

Sixty-eighth, That Section 17 is added to Article IV, to read:

SEC. 17. The Legislature has no power to grant, or to authorize a city, county, or other public body to grant, extra compensation or extra allowance to a public officer, public em-

ployee, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part, or to authorize the payment of a claim against the State or a city, county, or other public body under an agreement made without authority of law.

Sixty-ninth, That Section 18 is added to Article IV, to read:

SEC. 18. (a) The Assembly has the sole power of impeachment. Impeachments shall be tried by the Senate. A person may not be convicted unless, by rollcall vote entered in the journal, two thirds of the membership of the Senate concurs.

(b) State officers elected on a statewide basis, members of the State Board of Equalization, and judges of state courts are subject to impeachment for misconduct in office. Judgment may extend only to removal from office and disqualification to hold any office under the State, but the person convicted or acquitted remains subject to criminal punishment according to law.

Seventieth, That Section 19 is added to Article IV, to read:

SEC. 19. (a) The Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

Seventy-first, That Section 20 is added to Article IV, to read:

SEC. 20. (a) The Legislature may provide for division of the State into fish and game districts and may protect fish and game in districts or parts of districts.

(b) There is a Fish and Game Commission of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 6-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. The Legislature may delegate to the commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. A member of the commission may be removed by concurrent resolution adopted by each house, a majority of the membership concurring.

Seventy-second, That Section 21 is added to Article IV, to read:

SEC. 21. To meet the needs resulting from war-caused or enemy-caused disaster in California, the Legislature may provide for:

(a) Filling the offices of members of the Legislature should at least one fifth of the membership of either house be killed, missing, or disabled, until they are able to perform their duties or successors are elected.

(b) Filling the office of Governor should he be killed, missing, or disabled, until he or his successor designated in this Constitution is able to perform his duties or a successor is elected.

(c) Convening the Legislature.

(d) Holding elections to fill offices that are elective under this Constitution and that are either vacant or occupied by persons not elected thereto.

(e) Selecting a temporary seat of state or county government.

Seventy-third, That Section 22 is added to Article IV, to read:

INITIATIVE AND REFERENDUM

SEC. 22. (a) The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them.

(b) An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by electors equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.

(c) The Secretary of State shall then submit the measure at the next general election held at least 131 days after it qualifies or at any special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

(d) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

Seventy-fourth, That Section 23 is added to Article IV, to read:

SEC. 23. (a) The referendum is the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for usual current expenses of the State.

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 90 days after adjournment of the session at which the statute was passed, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election, asking that the statute or part of it be submitted to the electors.

(c) The Secretary of State shall then submit the measure at the next general election held at least 31 days after it qualifies or at a special statewide election held prior to that general election. The Governor may call a special statewide election for the measure.

Seventy-fifth, That Section 24 is added to Article IV, to read:

SEC. 24. (a) An initiative or referendum measure approved by a majority of the votes thereon takes effect 5 days after the date of the official declaration of the vote by the Secretary of State unless the measure provides otherwise.

If a referendum petition is filed against a part of a statute the remainder of the statute shall not be delayed from going into effect.

(b) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(c) The Legislature may amend or repeal referendum statutes. It may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without their approval.

(d) Prior to circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the Attorney General who shall prepare a title and summary of the measure as provided by law.

(e) The Legislature shall provide the manner in which petitions shall be circulated, presented, and certified, and measures submitted to the electors.

Seventy-sixth, That Section 25 is added to Article IV, to read:

SEC. 25. Initiative and referendum powers may be exercised by the electors of each city or county under procedures that the Legislature shall provide. This section does not affect a city having a charter.

Seventy-seventh, That Section 26 is added to Article IV, to read:

SEC. 26. No amendment to the Constitution, and no statute proposed to the electors by the Legislature or by initiative, that names any individual to hold any office, or names or identifies any private corporation to perform any function or to have any power or duty, may be submitted to the electors or have any effect.

Seventy-eighth, That Section 28 is added to Article IV, to read:

MISCELLANEOUS

SEC. 28. A person holding a lucrative office under the United States or other power may not hold a civil office of profit. A local officer or postmaster whose compensation does not exceed 500 dollars per year or an officer in the militia or a member of a reserve component of the armed forces of the United States except where on active federal duty for more than 30 days in any year is not a holder of a lucrative office, nor is his holding of a civil office of profit affected by this military service.

Seventy-ninth, That Article V is repealed.

Eightieth, That Article V is added, to read:

ARTICLE V

EXECUTIVE

SEC. 1. The supreme executive power of this State is vested in the Governor. He shall see that the law is faithfully executed.

SEC. 2. The Governor shall be elected every fourth year at the same time and places as Assemblymen and hold office from the Monday after January 1 following his election until his successor qualifies. He shall be an elector who has been a citizen of the United States and a resident of this State for 5 years immediately preceding his election. He may not hold other public office.

SEC. 3. The Governor shall report to the Legislature at each session on the condition of the State and may make recommendations. He may adjourn the Legislature if the Senate and Assembly disagree as to adjournment.

SEC. 4. The Governor may require executive officers and agencies and their employees to furnish information relating to their duties.

SEC. 5. Unless the law otherwise provides, the Governor may fill a vacancy in office by appointment until a successor qualifies.

SEC. 6. Authority may be provided by statute for the Governor to assign and reorganize functions among executive officers and agencies and their employees, other than elective officers and agencies administered by elective officers.

SEC. 7. The Governor is commander in chief of a militia that shall be provided by statute. He may call it forth to execute the law.

SEC. 8. Subject to application procedures provided by statute, the Governor, on conditions he deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case of impeachment. At each session he shall report to the Legislature each reprieve, pardon, and commutation granted, stating the pertinent facts and his reasons for granting it. He may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

SEC. 9. The Lieutenant Governor shall have the same qualifications as the Governor. He is President of the Senate but has only a casting vote.

SEC. 10. The Lieutenant Governor shall become Governor when a vacancy occurs in the office of Governor.

He shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office.

The Legislature shall provide an order of precedence after the Lieutenant Governor for succession to the office of Governor and for the temporary exercise of his functions.

The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

Standing to raise questions of vacancy or temporary disability is vested exclusively in a body provided by statute.

SEC. 11. The Lieutenant Governor, Attorney General, Controller, Secretary of State, and Treasurer shall be elected at the same time and places and for the same term as the Governor.

SEC. 12. Compensation of the Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Superintendent of Public Instruction, and Treasurer shall be prescribed by statute but may not be increased or decreased during a term.

SEC. 13. Subject to the powers and duties of the Governor, the Attorney General shall be the chief law officer of the State. It shall be his duty to see that the laws of the State are uniformly and adequately enforced. He shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make to him such reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to him may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases he shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, he shall assist any district attorney in the discharge of his duties.

Eighty-first, That Article VI is repealed.

Eighty-second, That Article VI is added, to read:

ARTICLE VI

JUDICIAL

SEC. 1. The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, municipal courts, and justice courts. All except justice courts are courts of record.

SEC. 2. The Supreme Court consists of the Chief Justice of California and 6 associate justices. The Chief Justice may convene the court at any time. Concurrence of 4 judges present at the argument is necessary for a judgment.

An acting Chief Justice shall perform all functions of the Chief Justice when he is absent or unable to act. The Chief Justice or, if he fails to do so, the court shall select an associate justice as acting Chief Justice.

SEC. 3. The Legislature shall divide the State into districts each containing a court of appeal with one or more divi-

sions. Each division consists of a presiding justice and 2 or more associate justices. It has the power of a court of appeal and shall conduct itself as a 3-judge court. Concurrence of 2 judges present at the argument is necessary for a judgment.

An acting presiding justice shall perform all functions of the presiding justice when he is absent or unable to act. The presiding justice or, if he fails to do so, the Chief Justice shall select an associate justice of that division as acting presiding justice.

SEC. 4. In each county there is a superior court of one or more judges. The Legislature shall prescribe the number of judges and provide for the officers and employees of each superior court. If the governing body of each affected county concurs, the Legislature may provide that one or more judges serve more than one superior court.

The county clerk is ex officio clerk of the superior court in his county.

SEC. 5. Each county shall be divided into municipal court and justice court districts as provided by statute, but a city may not be divided into more than one district. Each municipal and justice court shall have one or more judges.

There shall be a municipal court in each district of more than 40,000 residents and a justice court in each district of 40,000 residents or less. The number of residents shall be ascertained as provided by statute.

The Legislature shall provide for the organization and prescribe the jurisdiction of municipal and justice courts. It shall prescribe for each municipal court and provide for each justice court the number, qualifications, and compensation of judges, officers, and employees.

SEC. 6. The Judicial Council consists of the Chief Justice as chairman and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the chairman for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house.

Council membership terminates if a member ceases to hold the position that qualified him for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or its chairman, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.

The chairman shall seek to expedite judicial business and to equalize the work of judges; he may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the chairman as he directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

SEC. 7. The Commission on Judicial Appointments consists of the Chief Justice, the Attorney General, and the presiding justice of the court of appeal of the affected district or, if there are 2 or more presiding justices, the one who has presided longest or, when a nomination or appointment to the Supreme Court is to be considered, the presiding justice who has presided longest on any court of appeal.

SEC. 8. The Commission on Judicial Qualifications consists of 2 judges of courts of appeal, 2 judges of superior courts, and one judge of a municipal court, each appointed by the Supreme Court; 2 members of the State Bar who have practiced law in this State for 10 years, appointed by its governing body; and 2 citizens who are not judges, retired judges, or members of the State Bar, appointed by the Governor and approved by the Senate, a majority of the membership concurring. All terms are 4 years.

Commission membership terminates if a member ceases to hold the position that qualified him for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

SEC. 9. The State Bar of California is a public corporation. Every person admitted and licensed to practice law in this State is and shall be a member of the State Bar except while holding office as a judge of a court of record.

SEC. 10. The Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition.

Superior courts have original jurisdiction in all causes except those given by statute to other trial courts.

The court may make such comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the cause.

SEC. 11. The Supreme Court has appellate jurisdiction when judgment of death has been pronounced. With that exception courts of appeal have appellate jurisdiction when superior courts have original jurisdiction and in other causes prescribed by statute.

Superior courts have appellate jurisdiction in causes prescribed by statute that arise in municipal and justice courts in their counties.

The Legislature may permit appellate courts to take evidence and make findings of fact when jury trial is waived or not a matter of right.

SEC. 12. The Supreme Court may, before decision becomes final, transfer to itself a cause in a court of appeal. It may, before decision, transfer a cause from itself to a court of appeal or from one court of appeal or division to another. The court to which a cause is transferred has jurisdiction.

SEC. 13. No judgment shall be set aside, or new trial granted, in any cause, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

SEC. 14. The Legislature shall provide for the prompt publication of such opinions of the Supreme Court and courts of appeal as the Supreme Court deems appropriate, and those opinions shall be available for publication by any person.

Decisions of the Supreme Court and courts of appeal that determine causes shall be in writing with reasons stated.

SEC. 15. A person is ineligible to be a judge of a court of record unless for 5 years immediately preceding selection to a municipal court or 10 years immediately preceding selection to other courts, he has been a member of the State Bar or served as a judge of a court of record in this State. A judge eligible for municipal court service may be assigned by the chairman of the Judicial Council to serve on any court.

SEC. 16. (a) Judges of the Supreme Court shall be elected at large and judges of courts of appeal shall be elected in their districts at general elections at the same time and places as the Governor. Their terms are 12 years beginning the Monday after January 1 following their election, except that a judge elected to an unexpired term serves the remainder of the term. In creating a new court of appeal district or division the Legislature shall provide that the first elective terms are 4, 8, and 12 years.

(b) Judges of other courts shall be elected in their counties or districts at general elections. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.

(c) Terms of judges of superior courts are 6 years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

(d) Within 30 days before August 16 preceding the expiration of his term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed himself. If he does not, the Governor before September 16 shall nominate a candidate. At the next general election, only the candi-

date so declared or nominated may appear on the ballot, which shall present the question whether he shall be elected. If he receives a majority of the votes on the question he is elected. A candidate not elected may not be appointed to that court but later may be nominated and elected.

The Governor shall fill vacancies in those courts by appointment. An appointee holds office until the Monday after January 1 following the first general election at which he had the right to become a candidate or until an elected judge qualifies. A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

Electors of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts.

SEC. 17. A judge of a court of record may not practice law and during the term for which he was selected is ineligible for public employment or public office other than judicial employment or judicial office. A judge of the superior or municipal court may, however, become eligible for election to other public office by taking a leave of absence without pay prior to filing a declaration of candidacy. Acceptance of the public office is a resignation from the office of judge.

A judicial officer may not receive fines or fees for his own use.

SEC. 18. (a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging him in the United States with a crime punishable as a felony under California or federal law, or (2) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his removal or retirement.

(b) On recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court may suspend a judge from office without salary when in the United States he pleads guilty or no contest or is found guilty of a crime punishable as a felony under California or federal law or of any other crime that involves moral turpitude under that law. If his conviction is reversed suspension terminates, and he shall be paid his salary for the period of suspension. If he is suspended and his conviction becomes final the Supreme Court shall remove him from office.

(c) On recommendation of the Commission on Judicial Qualifications the Supreme Court may (1) retire a judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and (2) censure or remove a judge for action occurring not more than 6 years prior to the commencement of his current term that constitutes wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(d) A judge retired by the Supreme Court shall be considered to have retired voluntarily. A judge removed by the Supreme Court is ineligible for judicial office and pending further order of the court he is suspended from practicing law in this State.

(e) The Judicial Council shall make rules implementing this section and providing for confidentiality of proceedings.

SEC. 19. The Legislature shall prescribe compensation for judges of courts of record.

A judge of a court of record may not receive his salary while any cause before him remains pending and undetermined for 90 days after it has been submitted for decision.

SEC. 20. The Legislature shall provide for retirement, with reasonable allowance, of judges of courts of record for age or disability.

SEC. 21. On stipulation of the parties litigant the court may order a cause to be tried by a temporary judge who is a member of the State Bar, sworn and empowered to act until final determination of the cause.

SEC. 22. The Legislature may provide for the appointment by trial courts of record of officers such as commissioners to perform subordinate judicial duties.

Eighty-third, That Article VII is repealed.

Eighty-fourth, That Article VIII is repealed.

Eighty-fifth, That Section 29 is added to Article XIII, to read:

SEC. 29. Not more than 25 percent of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

Eighty-sixth, That Section 4 is added to Article XXII, to read:

SEC. 4. Nothing in Section 15 of Article VI affects the eligibility of a judge to serve in or be elected to his office if the judge was selected prior to the operative date of Section 15 and was eligible under the law at the time of that selection.

Eighty-seventh, That Section 5 is added to Article XXII, to read:

SEC. 5. In any case in which, under the law in effect prior to the operative date of this section, the term of a judge of a municipal or justice court expires in January in a year in which a general election is held, that term shall be extended until the Monday after January 1 following the next general election following the date when the term would otherwise expire, at which general election a successor shall be elected.

Eighty-eighth, That Section 6 is added to Article XXII, to read:

SEC. 6. Any law enacted at the 1966 First Extraordinary Session of the Legislature and providing for increased compensation for members of the Legislature shall become operative only at the time the 1967 Regular Session of the Legislature is convened. Any such law enacted at the 1966 First Extraor-

dinary Session of the Legislature is not subject to the requirement of Section 4 of Article IV as to passage by a two thirds vote or to the requirement of Section 4 of Article IV that any adjustment of the annual compensation of a member of the Legislature may not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. The provisions of Assembly Bill No. 173 of the 1966 First Extraordinary Session are hereby ratified.

Eighty-ninth, That Section 7 is added to Article XXII, to read:

SEC. 7. To the extent there is a conflict, constitutional amendments adopted by the electors at the November 1966 General Election shall prevail over the provisions transferred from Article IV to Article XIII by Assembly Constitutional Amendment No. 13, adopted by the Legislature at the 1966 First Extraordinary Session.

And be it further resolved, That the Legislature having adopted Assembly Constitutional Amendment No. 90 at its 1965 Regular Session to propose an amendment to portions of Sections 1, 2 and 16 of Article IV of the State Constitution for the sole purpose of requiring the Legislature to reconvene and reconsider measures submitted to the Governor during the last ten days of a general session (Sundays excepted) which he fails to sign, and since said amendment did not propose any other change in the length, duration or scope of general or budget sessions of the Legislature, it is the intent of the Legislature, if both Assembly Constitutional Amendment No. 90 and Assembly Constitutional Amendment (Revision) No. 13, 1966 First Extraordinary Session, are approved by the electors, that both shall be given effect regardless of the vote by which they are approved and that their provisions be construed together so as to give effect to both in the following manner:

First, That subdivision (a) be added to Section 3 of Article IV thereof, to read:

(a) The Legislature shall meet annually in regular session at noon on the Monday after January 1. At the end of each regular session the Legislature shall recess for 30 days. It shall reconvene on the Monday after the 30-day recess, for a period not to exceed 5 days, to reconsider vetoed measures.

A measure introduced at any session may not be deemed pending before the Legislature at any other session.

Second, That Section 4 be added to Article IV thereof, to read:

SEC. 4. Compensation of members of the Legislature, and reimbursement for travel and living expenses in connection with their official duties, shall be prescribed by statute passed by rollcall vote entered in the journal, two thirds of the membership of each house concurring. Commencing with 1967, in any statute enacted making an adjustment of the annual compensation of a member of the Legislature the adjustment may

not exceed an amount equal to 5 percent for each calendar year following the operative date of the last adjustment, of the salary in effect when the statute is enacted. Any adjustment in the compensation may not apply until the commencement of the regular session commencing after the next general election following enactment of the statute.

Members of the Legislature shall receive 5 cents per mile for traveling to and from their homes in order to attend reconvening following the 30-day recess after a regular session.

The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of 500 dollars paid to any member of the Legislature unless the member receives the greater amount while serving as a member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to members of the Legislature who serve during or after the term commencing in 1967.

When computing the retirement allowance of a member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the member, except that the Legislature may provide that no member shall be deprived of a cost of living adjustment based on a monthly salary of 500 dollars which has accrued prior to the commencement of the 1967 Regular Session of the Legislature.

Third, That subdivision (c) be added to Section 8 of Article IV thereof, to read:

(c) No statute may go into effect until the 61st day after adjournment of the regular session at which the bill was passed, or until the 91st day after adjournment of the special session at which the bill was passed, except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes.

Fourth, That subdivision (a) be added to Section 10 of Article IV thereof, to read:

(a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if he signs it. He may veto it by returning it with his objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two thirds of the membership concurring, it becomes a statute. A bill presented to the Governor that is not returned within 12 days becomes a statute. If the 12-day period expires during the recess at the end of a regular session, the bill becomes a statute unless the Governor vetoes it within 30 days from the commencement of the recess. If the Legislature by adjournment of a special session prevents the return of a bill it does not become a statute unless

the Governor signs the bill and deposits it in the office of the Secretary of State within 30 days after adjournment.

Fifth, That subdivision (b) be added to Section 23 of Article IV thereof, to read:

(b) A referendum measure may be proposed by presenting to the Secretary of State, within 60 days after adjournment of the regular session at which the statute was passed or within 90 days after adjournment of the special session at which the statute was passed, a petition certified to have been signed by electors equal in number to 5 percent of the votes for all candidates for Governor at the last gubernatorial election, asking that the statute or part of it be submitted to the electors.

Sixth, That the provisions of the second resolved clause of this measure shall become operative only if the amendment to Article IV of the State Constitution proposed by Assembly Constitutional Amendment No. 90 of the 1965 Regular Session are approved by a majority of the electors, in which case subdivision (a) of Section 3, Section 4, subdivision (c) of Section 8, subdivision (a) of Section 10 and subdivision (b) of Section 23 of Article IV of the Constitution, as appearing in the first resolved clause of Assembly Constitutional Amendment (Revision) No. 13, shall not become operative.