

Volume 1

# STATUTES OF CALIFORNIA

## 1960 AND 1961

CONSTITUTION OF 1879 AS AMENDED  
MEASURES SUBMITTED TO VOTE OF ELECTORS,  
SPECIAL ELECTION, JUNE 7, 1960  
GENERAL ELECTION, NOVEMBER 8, 1960

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

PASSED AT

THE 1960 REGULAR SESSION OF  
THE LEGISLATURE

THE 1960 FIRST AND SECOND EXTRAORDINARY  
SESSIONS OF THE LEGISLATURE

AND

THE 1961 REGULAR SESSION OF THE LEGISLATURE



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**STATUTES OF CALIFORNIA**  
**REGULAR SESSION**

**1961**

**Began Monday, January 2, 1961, and Adjourned**  
**Friday, June 16, 1961**

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## CHAPTER 964

*An act to amend Section 1164 of the Streets and Highways Code, relating to county highways.*

In effect  
September  
15, 1961

[Approved by Governor July 4, 1961. Filed with  
Secretary of State July 6, 1961.]

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

SECTION 1. Section 1164 of the Streets and Highways Code is amended to read:

1164. Such petition shall be published in the manner authorized by Section 1196, together with a notice stating the time of the meeting at which the board will consider the petition.

## CHAPTER 965

*An act to amend Section 1239.4 of the Code of Civil Procedure, relating to eminent domain for airport purposes.*

In effect  
September  
15, 1961

[Approved by Governor July 4, 1961. Filed with  
Secretary of State July 6, 1961.]

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

SECTION 1. Section 1239.4 of the Code of Civil Procedure is amended to read:

1239.4. Where necessary to protect the approaches of any airport from the encroachment of structures or vegetable life of such a height or character as to interfere with or be hazardous to the use of such airport, land adjacent to, or in the vicinity of, such airport may be acquired under this title by a county, city or airport district reserving to the former owner thereof an irrevocable free license to use and occupy such land for all purposes except the erection or maintenance of structures or the growth or maintenance of vegetable life above a certain prescribed height or may be acquired by a county, city or airport district in fee.

## CHAPTER 966

*An act to amend Section 126 of the Government Code, relating to acquisition of lands by the United States declaring the urgency thereof, to take effect immediately.*

In effect  
immediately

[Approved by Governor July 4, 1961. Filed with  
Secretary of State July 6, 1961.]

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

SECTION 1. Section 126 of the Government Code is amended to read:

126. Notwithstanding any other provision of law, general or special, the Legislature of California consents to the acquisition by the United States of land within this State upon and subject to each and all of the following express conditions and reservations, in addition to any other conditions or reservations prescribed by law:

(a) The acquisition must be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings, or other public purpose within the purview of clause 17 of Section 8 of Article I of the Constitution of the United States, or for the establishment, consolidation and extension of national forests under the provisions of the act of Congress approved March 1, 1911, (36 Stat. 961) known as the "Weeks Act";

(b) The acquisition must be pursuant to and in compliance with the laws of the United States;

(c) The United States must in writing have requested state consent to acquire such land and subject to each and all of the conditions and reservations in this section and in Section 4 of Article XIV of the Constitution prescribed;

(d) The conditions and reservations prescribed in subdivisions (a), (b), (c), (e), and (h) of this section must have been found and declared to have occurred and to exist, by the State Lands Commission, and the commission must have found and declared that such acquisition is in the interest of the State, certified copies of its orders or resolutions making such findings and declarations to be filed in the Office of the Secretary of State and recorded in the office of the county recorder of each county in which any part of the land is situate;

(e) In granting this consent, the Legislature and the State grant concurrent jurisdiction on and over the land to the United States, excepting and reserving state jurisdiction on and over the land for the execution of civil and criminal process and to enforce the laws of the State of California in all cases, and the State's entire power of taxation including that of each state agency, county, city, city and county, political subdivision or public district of or in the State; and reserve to all persons residing on such land all civil and political rights, including the right of suffrage, which they might have were this consent not given.

(f) This consent continues only so long as the land continues to belong to the United States and is held by it in accordance and in compliance with each and all of the conditions and reservations in this section prescribed.

(g) Acquisition as used in this section means: (1) lands acquired in fee by purchase or condemnation, (2) lands owned by the United States that are included in the military reservation by presidential proclamation or act of Congress, and (3) leaseholds acquired by the United States over private lands or state-owned lands.

(h) In granting this consent, the Legislature and the State reserve jurisdiction over the land, water and use of water with full power to control and regulate the acquisition, use, control and distribution of water with respect to the land acquired

(i) In granting this consent, the Legislature and the State except and reserve to the State all deposits of minerals, including oil and gas, in the land, and to the State, or persons authorized by the State, the right to prospect for, mine, and remove such deposits from the land.

The finding and declaration of the State Lands Commission provided for in subdivision (d) of this section shall be made only after a public hearing. Notice of such hearing shall be published pursuant to Section 6061 in each county in which the land or any part thereof is situated and a copy of such notice shall be personally served upon the clerk of the board of supervisors of each such county. The State Lands Commission shall make rules and regulations governing the conditions and procedure of such hearings, which shall provide that the cost of publication and service of notice and all other expenses incurred by the commission shall be borne by the United States.

The provisions of this section do not apply to any land or water areas heretofore or hereafter acquired by the United States for migratory bird reservations in accordance with the provisions of Sections 10680 to 10685, inclusive, of the Fish and Game Code.

Urgency

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 extent to which jurisdiction of the State of California applies within federal lands in this State is a matter of the utmost importance in numerous transactions every day. It is imperative that this bill, which, in effect, requires that the will of the people of this State prevail in all territory within the boundaries of this State, to the extent not inconsistent with federal duties, go into effect as early as possible. Thereby, those laws which the people, through their representatives, have enacted for the public peace, health, and safety will have greater applicability.